

Romania has made important advances in opening data and increasing government transparency. Civil society organizations have been active partners in the OGP process, but many commitments remain partially completed without being carried over to the next action plan. Moving forward, the government could make further progress by prioritizing training for implementing officials and providing sufficient resources to complete commitments.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarizes the results of the period July 2014 to June 2016 and includes some relevant developments up to November 2016.

The Romanian government approved the second action plan (2014–2016) in August 2014 and the third action plan (2016–2018) in August 2016.

The Chancellery of the Prime Minister (CPM), through the Department for Online Services and Design (DSOD), is the main institution responsible for implementing the action plan. In the current institutional setup, the DSOD does not have enforcement powers and relies on willing participation and cooperation from other public institutions. For this reason, the government adopted the action plans via a nonbinding memorandum.

After five years in OGP, the Romanian government, in the third national action plan,<sup>1</sup> is attempting to increase public institution engagement in the implementation of new commitments. These changes have been partially influenced by the creation of the Ministry for Public Consultation and Civic Dialogue (MCPDC) in November 2015. This ministry will help the CPM coordinate the implementation of the commitments.

It is worth mentioning that since Romania joined OGP, the government and civil society have worked cooperatively through all phases— design, implementation, monitoring, and evaluation—of the action plan. Most of the nongovernmental organizations (NGOs) involved, or interested, in OGP have formed the Open Data Coalition (ODC), which also includes academic organizations and individual members.<sup>2</sup>

At the end of September 2016, Romania published the end-of-term self-assessment report for the second OGP action plan. Four commitments have been carried forward to the next action plan,

<b>Table 1: At a Glance</b>		
	<b>Mid-term</b>	<b>End-of-term</b>
Number of commitments	11	
<b>Level of completion</b>		
Completed	1	2
Substantial	5	5
Limited	5	4
Not started	0	0
<b>Number of commitments with:</b>		
Clear relevance to OGP values	11	
Transformative potential impact	1	
Substantial or complete implementation	6	7
<b>All three (🎯)</b>	1	1
<b>Did it open government?</b>		
Major	3	
Outstanding	0	
<b>Moving forward</b>		
Number of commitments carried over to next action plan	4	

while seven have not, despite some of these commitments remaining incomplete. Romania submitted its third OGP action plan for at the end of June 2016, following two rounds of public consultations.

\*Note: all of the commitments on open data in this report are related and refer to the same Romanian open data portal, [data.gov.ro](http://data.gov.ro). The portal includes all open datasets published by Romanian public administration institutions. For the action plan assessed in this report, eight of the 11 commitments are at least partially linked to the open data portal.

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<sup>1</sup> The full text of the 2016–2018 national action plan is available at <http://bit.ly/2g7kvde>.

<sup>2</sup> The full list of Open Data Coalition members is available at <http://datedeschise.fundatia.ro/membri/>.

### **Consultation with civil society during implementation**

Countries participating in OGP follow a process for consultation during development of their OGP action plan and during implementation. The OGP team at the Department for Online Services and Design (DSOD) within the Chancellery of the Prime Minister has developed a series of mechanisms and platforms for informing the public about OGP. The government's team uses its website, Facebook, Twitter, and the OGP Club forum to raise awareness for issues and events. The OGP team has also adopted a policy of participating in OGP-related discussions initiated by other stakeholders. For example, the team is very active in the "Open-Data" (Date deschise) mailing list.<sup>1</sup>

The OGP Club is a forum created by the OGP team<sup>2</sup> in February 2014. It acts as a venue for direct and ongoing dialogue with anyone interested in open government.<sup>3</sup> Initially, it started with monthly meetings, although the frequency of the meetings decreased over time (there were 10 meetings organized in 2014, seven in 2015, and five in 2016). The meeting topics ranged from public consultations on reports (i.e., the self-assessment reports, the IRM report, and the national action plan) to discussions on open data, open government, and open education. The OGP team announced the events in advance, distributed the reports and materials online, and allowed an appropriate period of time (at least two weeks)<sup>4</sup> for those interested in the process to send in their comments and suggestions. A complete list of all OGP Club meetings is available online, as is supplemental documentation related to the meetings.<sup>5</sup>

While all OGP meetings during the implementation period were open to the public and advertised well in advance, there were few opportunities for citizen participation outside the capital, Bucharest. However, the third action plan seeks to change this by implementing OGP principles at the local level throughout the country. During the current implementation period, this shift began with a meeting on 4 November 2016 in Timisoara; more than 25 participants<sup>6</sup> from the local administration, universities, and NGOs participated.

While the government has made the OGP process open to and inclusive of the public, the IRM researcher believes that both the government and participating civil society organizations (CSOs) could more actively publicize consultation opportunities within their networks. This could help bring in potentially interested organizations outside the usual sectors (open data, transparency) and could help capture more diverse views and a wider range of issues to address through the OGP platform.

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<sup>1</sup> The mailing list archive is available at <https://lists.okfn.org/pipermail/date-deschise/>.

<sup>2</sup> The OGP team is composed of four civil servants (a state secretary and three counselors) and is responsible for the implementation of the action plan, including coordinating activities with ministries, closely cooperating with civil society organizations, and promoting and advertising OGP activities to the general public.

<sup>3</sup> The standard procedure for these consultations is as follows: the invitation to participate is sent to the CSOs involved in the OGP process, and these organizations further distribute the invitation through their own channels. In addition, the invitation is published on the OGP Club website, and anyone can register through an online form (participant's name, institutional affiliation, and e-mail) or by sending an e-mail to the OGP team. There is no selection process as the meetings are open to anyone.

<sup>4</sup> For example, the public consultation for the 2014-2016 self-assessment report was announced on 13 September, and it was open for two weeks, until 27 September. Similarly, the public consultation for OGP at the local level was announced on 9 November, and it was available for discussions and comments until 25 November.

<sup>5</sup> More information about the OGP Club is available online at <http://ogp.gov.ro/club-ogp/ahiva/>.

<sup>6</sup> The OGP Club usually publishes a summary of meetings online. The report for this meeting is available at <http://ogp.gov.ro/wp-content/uploads/2015/01/Rezumat-Club-OGP-4-nov-2016.pdf>. Attendance in Timisoara is estimated to be around 25 people, which is in line with other OGP Club meetings. The invitation was published on the OGP Romania website on 25 October 2016. Registration was open to the public. In addition, the invitation was also sent to involved CSOs, and they spread the word through their channels as well. This is the standard procedure for all OGP Club meetings.

Table 2: Action Plan Consultation Process

<b>Phase of action plan</b>	<b>OGP process requirement (Articles of Governance Section)</b>	<b>Did the government meet this requirement?</b>
During implementation	Regular forum for consultation during implementation?	Yes
	Consultations: Open or invitation only?	Open
	Consultations on IAP2 spectrum <sup>1</sup>	Involve

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<sup>1</sup> IAP2 Spectrum of Political Participation, International Association for Public Participation, [http://www.iap2.org/resource/resmgr/Foundations\\_Course/IAP2\\_P2\\_Spectrum.pdf](http://www.iap2.org/resource/resmgr/Foundations_Course/IAP2_P2_Spectrum.pdf).

## Progress in commitment implementation

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

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
2. The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
3. The commitment would have a “transformative” potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of “substantial” or “complete” implementation.

Based on these criteria, Romania’s action plan at the midterm contained one starred commitment (free online access to national legislation). At the end of term, Romania’s action plan contained one starred commitment based on the changes in the level of completion.

Commitments assessed as starred commitments in the midterm report can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation cycle, meaning they have an overall limited completion at the end of term, per commitment language.

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

### About “did it open government?”

Often, OGP commitments are vaguely worded or not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious but fail to open government. In an attempt to capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable—“did it open government?”—in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how government practice has changed as a result of the commitment’s implementation. This can be contrasted to the IRM’s “starred commitments” which describe *potential* impact.

IRM researchers assess the “did it open government?” question with regard to each of the OGP values that this commitment is relevant to. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

- **Worsened:** Worsened government openness as a result of the measures taken by the commitment.
- **Did not change:** Did not change the status quo of government practice.
- **Marginal:** Some change, but minor in terms of its impact over level of openness.
- **Major:** A step forward for government openness in the relevant policy area, but remains limited in scope or scale
- **Outstanding:** A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed on government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report

**Table 3. Overview: Assessment of Progress by Commitment**

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion				Did it open government?						
	None	Low	Medium	High	None	Access to information	Civic participation	Public accountability	Technology & innovation for transparency & accountability	None	Minor	Moderate	Transformative	End-of-term completion				Worsened	Did not change	Marginal	Major	Outstanding	
														Not started	Limited	Substantial	Completed						
<b>THEME 1: Transparency and administrative efficiency</b>																							
1. Public interest document disclosure			✓			✓	✓		✓			✓			✓					✓			
2. Public datasets inventory				✓		✓			✓			✓			✓						✓		
3. 🚗 Free online access to national legislation				✓		✓			✓				✓					✓				✓	
4. Reuse of public-sector information				✓		✓	✓					✓				✓		✓			✓		
5. Open data in the health system			✓			✓			✓			✓				✓		✓			✓		
6. Monitoring anti-corruption in the health system			✓			✓			✓			✓			✓			✓			✓		
7. Open contracting				✓		✓		✓	✓			✓			✓			✓			✓		
8. Open access in research			✓			✓						✓			✓			✓		✓			
<b>THEME 2: Open data</b>																							
9. Quality and quantity of open data				✓		✓	✓	✓	✓			✓				✓		✓				✓	
<b>THEME 3: Human resource training and development</b>																							
10. Human resource training in open data				✓		✓					✓					✓		✓		✓			
<b>THEME 4: Disseminate OGP information and promote open data</b>																							
11. Awareness of OGP and open data			✓			✓	✓	✓	✓		✓					✓		✓			✓		

### **General overview of commitments**

As part of OGP, countries are required to make commitments in a two-year action plan. End-of-term reports assess an additional metric, “did it open government?” The tables above and below summarize the completion level at the end of term and progress on this metric. Note for commitments that were already complete at the midterm, only an analysis of “did it open government?” is provided. For additional information on previously completed commitments, please see Romania’s IRM midterm progress report.<sup>1</sup>

Romania’s national action plan for 2014–2016 included a total of 11 commitments. Eight of these were grouped under the general theme of transparency and administrative efficiency: Five are related to the administrative system as a whole, two are related to the health system, and one is related to the research and higher education system. Three additional commitments, also related to the administrative system as a whole, represent three different thematic interests: open data, human resource training and development, and awareness of OGP and open data. These can all be considered supporting commitments to assist the government in achieving its goals of transparency and administrative efficiency.

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<sup>1</sup> The report is available at [http://ogp.gov.ro/wp-content/uploads/2016/05/Romania-IRM-report\\_-for-public-comment.pdf](http://ogp.gov.ro/wp-content/uploads/2016/05/Romania-IRM-report_-for-public-comment.pdf).

**Theme I: Transparency and Administrative Efficiency**  
**Commitment I. Publishing the Public Interest Information on a Single Government Portal: [transparenta.gov.ro](http://transparenta.gov.ro)**

**Commitment Text:**

*Publishing the public interest information on a single government portal: [transparenta.gov.ro](http://transparenta.gov.ro)*

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

Responsible institution: Chancellery of the Prime Minister

Supporting institution(s): Public institutions,<sup>1</sup> Open Data Coalition

Start date: September 2014                      End date: June 2016

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion		End-of-term completion		Did it open government?					
	None	Low	Medium	High	None	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. Publishing public interest information on a single government portal			✓			✓	✓		✓			✓			✓				✓			

**Commitment Aim:**

This commitment aims to create a centralized repository for public information. At the time the commitment was adopted, most public institutions were already publishing required information on their own websites. The institutions were adhering to Law 544/2001, which set standards for free access to public information.<sup>2</sup> However, public institutions did not adhere to a standardized format and therefore the information was not always easily accessible. For this reason, navigating government documents can be confusing and time consuming for users.<sup>3</sup> Moreover, stakeholders had difficulty verifying and monitoring each institution’s compliance with the law.



## Status

### Midterm: Limited

At the midterm, progress on this commitment was limited as implementation had not progressed beyond the discussion phase. Most ministries had not yet introduced uploading procedures, nor made information on the process publicly available. Civil society organizations (CSOs) were in charge of updating the list of public interest information that the government must disclose, but little progress has been made. Among CSOs there is still uncertainty about how the Romanian courts have defined public interest documents. For more information, please see the 2014–2015 IRM midterm report.<sup>4</sup>

### End of term: Limited

Based on the government's self-assessment report and on interviews with the OGP team members from the Chancellery of the Prime Minister, there was no further progress on the implementation of any of the milestones included in this commitment. Although some discussions took place by the midterm, according to the government work on this commitment never officially began, and no activities have been carried out. The main reason for stalled progress is administrative: the commitment did not receive the resources it required. Funding and management shortages are a significant problem affecting the national action plan as a whole and are not particular to this commitment.

Furthermore, there are few trained personnel familiar with the commitment, which has resulted in a shortage of civil servants working exclusively on coordinating implementation. High rates of employee turnover also complicate implementation, requiring frequent retraining. The process additionally lacks a normative framework that would require ministries to upload and update public information on the portal. Since the milestones in this commitment are cumulative, the failure to establish procedures for uploading information has stalled the whole commitment. The ministries did not advance beyond preliminary talks, and the Open Data Coalition and other CSOs charged with monitoring the implementation of this commitment did not receive the information they needed to fulfill their role. As there has been no further progress since the midterm, this commitment remains limited in completion.

## Did it open government?

**Access to information: Did not change**

**Civic participation: Did not change**

This commitment focused on standardizing and improving the information available on a single government web portal. While government ministries generally comply with information disclosure requirements, this commitment did not lead to the introduction of a unified or standardized system for publishing information. Therefore, it did not improve information access or opportunities for civic participation.

## Carried forward?

The commitment has been carried forward with some changes in the third national action plan. The Chancellery of the Prime Minister has taken over responsibility for this commitment, and the work plan has been updated to improve collaboration among ministries. The IRM researcher recommends prioritizing human resource training for implementing officials, as this was a primary cause for limited progress in the previous implementation period. In addition, the researcher recommends developing standards for uploading documents and interviewing civil society, academics, and other stakeholders to create a list of high-priority information.

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<sup>4</sup> The list of public institutions is included in the Annex of the national action plan (<http://bit.ly/2g7kvde>). The list includes 17 ministries (Foreign Affairs; Internal Affairs; Agriculture and Rural Development; National Defense; Culture; Regional

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Development and Public Administration; Economy; National Education; Public Finance; European Funds; Justice; Environment and Climate Change; Labor; Family, Social Protection, and Elderly; Health; Information Society; Youth and Sport; and Transportation) and the authorities, agencies, and central institutions subordinate to or under the coordination of ministries.

<sup>2</sup> The text of the law is available on the Romanian legislation portal: <http://legislatie.just.ro/Public/DetaliuDocument/31413>.

<sup>3</sup> Examples of offering access to public interest information: <http://www.just.ro/transparenta-decisionala/>, <http://www.fonduri-ue.ro/transparenta/interes-public>, <http://www.mdrap.gov.ro/transparenta/prezentare-general>, <http://edu.ro/transparenta-institutionala>.

<sup>4</sup> The report is available at <http://bit.ly/2gUBpx5>.

**Commitment 2. Making an Inventory of the Datasets Produced by the Ministries and Subordinate Agencies**

**Commitment Text:**

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

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

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

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

Start date: September 2014 .....

End date: December 2015

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion		End-of-term completion		Did it open government?						
	None	Low	Medium	High	None	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	
2. Create an inventory of the datasets produced by ministries and subordinate agencies				✓		✓			✓			✓			✓						✓		

**Commitment Aim:**

This commitment aims to improve access to open data by taking four key steps:

- Develop open data guidelines,
- Establish procedures at the ministry level to identify datasets,
- Create inventories of datasets at the ministry level, and
- Create a single, centralized database that includes all inventories created at the ministry level.

This commitment builds on activities from previous action plans. The first included a similar commitment (making an inventory of the available open datasets and identifying the most useful data for each government institution). In the second action plan, the government modified the goals to require ministries to inventory all datasets, thereby increasing transparency. This commitment encourages more data-based policy making in Romania by offering stakeholders access to economically and socially impactful datasets.

## **Status**

### **Midterm: Limited**

The government had completed and published the open data guidelines in April 2015, after some delay.<sup>1</sup> Progress on developing procedures to identify the datasets and regularly update them has been uneven. The government had made more progress on creating inventories of datasets at the ministry level, but it was still struggling at the level of subordinate agencies. For more information, please see the 2014–2015 IRM midterm report.

### **End of term: Substantial**

Based on the government's self-assessment report, on the IRM's desk research, and on interviews with officials from the Chancellery of the Prime Minister and civil society representatives, the commitment has been substantially completed. Open data guidelines were already in place at the time of the midterm evaluation.

One of the key activities, establishing procedures and identifying datasets at the ministry level, could not be evaluated directly because this information is not public. However, ministries created inventories and published them online,<sup>2</sup> and the self-assessment report confirms that procedures have been developed at the ministry level. Based on the information available, this activity can be considered at least partially completed.

Three-quarters of the ministries (16 out of 21) have begun creating inventories of datasets to be published in open format. However, there are still some unresolved problems. For example, according to interviews with CSO representatives, progress developing data inventories has been uneven across different government agencies and a few have not yet submitted their inventories.<sup>3</sup> Other ministries oversee numerous subordinate agencies, and progress releasing inventories from all relevant agencies has been uneven. Obstructions to moving forward include overcoming some ministries and subordinate agencies' culture of secrecy, institutional reluctance to open data, administrative inefficiency, and bureaucratic inertia.

Overall, this commitment successfully established a list of data identification procedures and, to a significant degree, implemented them. Now ministries publish the vast majority of datasets on OGP Romania's webpage.<sup>4</sup> The inventory includes 719 datasets from 16 ministries and 59 subordinate agencies. The quality of this new data varies, primarily suffering from a lack of unified standards. Although beyond the scope of this commitment, metadata to easily search and understand the datasets and standardized, machine-readable formats would improve information quality.

## **Did it open government?**

### **Access to information: Marginal**

The main goal of the commitment was to offer stakeholders access to all government datasets in a single, centralized location. By the end of the implementation period, there has been significant progress toward achieving these goals. The government developed open data guidelines, convinced institutions to collaborate in identifying datasets, and created a centralized, public inventory of datasets. Although substantially completed, this commitment and its implementation only marginally opened government with respect to access to information. Citizens and stakeholders now have access to a comprehensive inventory of datasets that are available at the ministry level (via the OGP website), information that was not available before the commitment period. In addition, published inventories can be used to identify gaps in available data and allow stakeholders to pressure specific

ministries to make a dataset public. To further stretch government practice, the inventory could be more extensive. In addition, public institutions need to update datasets regularly (this would qualify as a major change in practice), and the government should publish all datasets on the open data portal (this would qualify as outstanding). In addition, migrating the inventory from the OGP website to the open data portal would help centralize information and improve the ease of using these two tools together.

### **Carried forward?**

The commitment has been included, with some changes, in the 2016–2018 national action plan as commitment 18 in the “open data” cluster. Additionally, these activities are part of a project funded through the European Social Fund 2014–2020, though the scope of the commitment is narrower to improve feasibility.

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<sup>1</sup> The open data guidelines are available online at <http://bit.ly/2hMwtHF>.

<sup>2</sup> The complete inventory can be found at <http://bit.ly/2i6v4iu>. Additionally, the uploaded datasets can be accessed, grouped by institutions, at <http://data.gov.ro/organization>.

<sup>3</sup> Ministry of Transport and Ministry of Economy, Commerce, and Relations with the Business Environment.

<sup>4</sup> The inventory is available at <http://bit.ly/2i6v4iu>.

### Commitment 3. Ensuring the Free Online Access to National Legislation

#### Commitment Text:

Ensuring the free online access to national legislation


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

Responsible institutions: Ministry of Justice, IT Department

Supporting institution(s): ---

Start date: April 2014

End date: June 2015

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion		Did it open government?					
	None	Low	Medium	High	None	Access to information	Civic participation	Public accountability	Technology & innovation for transparency & accountability	None	Minor	Moderate	Transformative	End of term completion		Worsened	Did not change	Marginal	Major	Outstanding
														Not started	Limited					
3.  Ensuring free online access to national legislation				✓		✓		✓				✓			✓			✓		

#### Commitment Aim:

This commitment aims to provide free public access to national legislation through an electronic application (e-portal). Prior to this commitment, access to legislation was limited. Interested parties either had to pay for a subscription to the *Official Gazette* or for a subscription to one of the private services allowing user access to consolidated legislation. Through Law 224/2009, anyone could access the electronic version of the *Official Gazette* free of charge—but only for 10 days after an issue was published.

#### Status

##### Midterm: Complete

The commitment was completed by the time of the midterm review. The electronic application was developed and successfully tested. Civil society and users offered suggestions to increase the portal's functionality, and information technology (IT) teams have addressed these suggestions on an ongoing basis. The national legislation portal was also connected with the European N-Lex legislative portal, improving the interaction between European citizens and Romanian national legislation. However, stakeholders found it problematic that official national legislation is bought from the *Official Gazette* by a private enterprise and then sold to the Ministry of Justice for publication on the e-portal. There

is also a general concern that the ministry does not have a permanent contract for the maintenance of the portal. Civil society organizations (CSOs) point to the need to change the legislation to allow access to the legislative database free of charge without having to buy the information from a third party.<sup>1</sup> For more information, please see the 2014–2015 IRM midterm report.

### **End of term: Complete**

This starred commitment was completed by the time of the midterm review. However, further progress has taken place since then, addressing some of the concerns civil society raised at the midterm. For example, civil society observed that in order to publish legislative information, the Ministry of Justice was paying a private intermediary company for access to the *Official Gazette*, a public institution. Stakeholders found it problematic that in this process, a private company acts as an intermediary between two public institutions, purchasing legislative information from the National Gazette, and selling it to the Ministry of Justice. Some civil society activists have also indicated that the company is selling public legislative information to the Ministry of Justice at inflated prices. There has been some confusion around this topic. Payments to the private company covered both access to the *Official Gazette* data, and linking newly published legislation to existing laws in order to publish the consolidated normative act. A new Law (195/2016) will establish free and permanent online access to the *Official Gazette*, solving the first CSO concern mentioned here. The legislative consolidation process will remain externalized and a private company will continue to be paid for these services.

Since the midterm, CSOs have also noticed there is a one-week delay between when laws are published in the *Official Gazette* and on the national legislation portal. There are two causes:<sup>2</sup> first, information published in the portal must be obtained from the *Official Gazette* via the private distributor, and second, the new legislation must be consolidated with past modifications to the law before it is published on the national legislation portal. This process takes three to seven days to complete.

### **Did it open government?**

#### **Access to information: Major**

Prior to this commitment, access to consolidated national legislation was only available for a fee, while access to the *Official Gazette* was only available free of cost for a 10 day window. Following the completion of this commitment, access to consolidated national legislation is available to all citizens free of cost, representing a major opening of government in terms of access to information. These changes bring citizens unlimited access to all legislation, and consolidate legislation for users. In addition, a newly created portal, the application program interface, allows stakeholders to access information on laws more easily and efficiently.<sup>3</sup>

### **Carried forward?**

The commitment was completed before the end of the implementation period and has not been included in the next plan. Notably, civil society pressure to reduce the privatization of government processes reflects a wider shift in the public's attitude.<sup>4</sup> The IRM researcher recommends developing the scope of the national legislation portal to include a specific section for legislation that is currently being drafted or under consultation. This could allow citizens and stakeholders to actively understand and engage with the policymaking process. The Senate, the Chamber of Deputies, and various ministries post some legislative proposals online, but the public would be better served if all proposals were available in a standard format via the same portal.

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<sup>1</sup> The N-Lex portal is available at [http://eur-lex.europa.eu/n-lex/index\\_ro](http://eur-lex.europa.eu/n-lex/index_ro). The national legislative portal is available at <http://legislatie.just.ro/Public/Acasa>. The *Official Gazette*, which is still only accessible for free for the first 10 days after publication, is available online at <http://www.monitoruloficial.ro/index.php>.

<sup>2</sup> These were presented during a discussion with participants at the OGP Club meeting on 15 September 2016.

<sup>3</sup> Automated access to the national legislation portal is available using the information provided at this address: <http://legislatie.just.ro/ServiciulWebLegislatie.htm>.

<sup>4</sup> This is an ongoing issue, one private company suing the Ministry of Justice for implementing anti-competitive measures. For more details, see <http://ogp.gov.ro/noutati/opunitatea-publicarii-legislatiei-online-contestata-in-justitie/>.



## Commitment 4. Amending Law 109/2007 on the Reuse of Public-Sector Information

### Commitment Text:

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

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

Responsible institution: Ministry of the Information Society

Supporting institutions: Ministry of Justice, Association for Technology and Internet, Open Society Foundation

Start date: September 2014

End date: June 2015

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion				Did it open government?					
	None	Low	Medium	High	None	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. Amending law 109/2007 on the reuse of public-sector information			✓			✓	✓					✓				✓				✓		

### Commitment Aim:

This commitment proposes to update Law 109/2007 on the reuse of public-sector information, bringing it in line with the EU directive 2013/37/EU. The commitment aims to create a legal framework for the reuse of data and to make it available in open, machine-readable formats. Civil society in Romania has also requested that the government consider creating a legal framework for open data.

### Status

#### Midterm: Substantial

The government had substantially implemented this commitment by the midterm evaluation. The Ministry of the Information Society organized public consultations on the new legislation in March 2015, including a public debate at the ministry's headquarters. At the end of July 2015, the executive approved an amendment to the legislation on the re-use of public sector information, and the law was sent to Parliament. Two prominent CSOs<sup>1</sup> were concerned about the consultation process, as well as the omission of some open data provisions in the law. For more information, please see the 2014–2015 IRM midterm report.

## **End of term: Complete**

Parliament adopted the law on 25 November 2015, and the *Official Gazette* published it on 3 December 2015 (Law 299/2015). According to the self-assessment report, the government considers this commitment only substantially implemented because the newly adopted law did not include civil society's proposals related to open data.<sup>2</sup> However, as written this commitment is considered complete for two reasons: the amendment was adopted, and public consultation took place. Moreover, Article 7(1) of the new law gives guidance to public institutions on the reuse of data. If a public institution allows the reuse of its documents, the institution must send the documents to the requesting individual in their existing format and, when possible and adequate, in an open and machine-readable format with metadata. The article also states that the open formats and the metadata should follow the open data standards.<sup>3</sup>

## **Did it open government?**

**Access to information: Marginal**

**Civic participation: Did not change**

Implementation of this commitment brings Romanian legislation up to date with the most recent EU directive on improving the integration of technology in information services. As such, this commitment marginally opened government with respect to access to information.

For instance, the new legislation affirms the public's right to request information and documents from public institutions. More importantly, it legally establishes conditions under which public-sector institutions must provide requested information. Prior to this amendment, public institutions could easily deny information requests, and the requesting individual or agency had little recourse. The new legislation establishes a time frame, requiring that public institutions respond to requests within 20 working days (40 if complex information is requested). In addition, the law creates a legally defined appeals process. If a request is denied, there is a clear administrative process through which the decision can be contested.

Although these are important improvements to increase citizens' rights to information, the legislation still includes a number of broad exceptions that deny access to certain information. While some exceptions are clear, such as those related to intellectual property rights, others are open to interpretation. For example, access can be denied if the person requesting information does not provide a legitimate reason for requesting a document. For this reason, the amendment has only led to a marginal change in actual government practice. It should be noted that there were several options for updating the law, and CSOs are dissatisfied by the government's preferred solution, considering it a lost opportunity. The EU offered member states a minimum standard that should be implemented, coupled with a series of optional recommendations member states could choose to implement. According to civil society representatives, the Romanian government chose the easiest solution, the implementation of minimal standards, and ignored many CSO recommendations.

## **Carried forward?**

The government completed the commitment before the end of the commitment period and did not include it in the next action plan.

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<sup>1</sup> Open Society Foundation and the Association for Technology and Internet.

<sup>2</sup> The main complaint is that although civil society proposed a specific legal framework related to open data this issue has not been addressed in the final form of the legislation.

<sup>3</sup> The text of Law 299/2015 is available for free at <http://legislatie.just.ro/Public/DetaliiDocument/173591>, through the national legislation portal.

**5 and 6: Open Data and Monitoring Anti-Corruption in the Health System**

**5. Commitment Text:**

Opening data collected from the National Health System:

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

Approval of the legislative proposals:

- B. Development of the Platforms. The ministry will develop the models for two information platforms: one monitoring the procurement of public health units and one monitoring the activity of the Ethical Councils in public health units. The ministry will pilot the platforms, in collaboration with civil society, in order to improve their functionalities based on the results.

Completion of the two platforms - Start implementation in all public health units:

- C. Initiate the opening of collected data

Responsible institution: Ministry of Health

Supporting institution: Open Data Coalition

Start date: 2014

End date: 2016

**6. Commitment text:**

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

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

Responsible institution: Ministry of Health

Supporting institutions: None specified

Start date: 2014

End date: 2016

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion / End of term completion				Did it open government?				
	None	Low	Medium	High	None	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

5. Opening data collected from the national health system	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6. Opening data collected from the monitoring of preventive measures	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

**Commitments Aim:**

The health system in Romania faces significant financial, administrative, and corruption challenges.<sup>1</sup> These factors have decreased public trust in a health sector characterized by a culture of secrecy. These commitments aim to improve transparency and access to information regarding Romania’s 350 hospitals and the health system administration. This could also be a positive step for increasing public trust in the system.

Commitment 5 aims to open data collected by the national health system. To reach this goal, the government will take several preparatory steps to monitor the health system and gather data. Ethical councils will be established in hospitals and clinics across the country, and the Ministry of Health will develop a legislative framework to create two web platforms. One platform will monitor health-sector procurement activities, and the other will publish reports on the ethical councils’ performance in health units.

Commitment 6 proposes to develop anti-corruption measures, as well as to monitor and publish information on their implementation. To achieve this, the Ministry of Health will create a separate online health platform for monitoring the results of corruption prevention measures. The ministry will collect patient feedback to identify problems such as quality of care and corruption in the health system.

**Status**

**Commitment 5**

**Midterm: Substantial**

By the midterm evaluation, the Ministry of Health had adopted the legislative framework needed to regulate and monitor health procurement and the ethical councils’ activities. The ministry had substantially completed the two web platforms; however, some lingering challenges remained. The health procurement platform replicates some features of a pre-existing system, the Public Procurement Electronic System (SEAP), run by the Digital Agenda Agency of Romania. To avoid redundancy, the SEAP portal will house the health procurement platform. This somewhat deviates from the original intent of the commitment. Though the procurement information will still be publicly released, the form it will take diminishes the relevance and value to stakeholders. The original plans for a health platform included features and tools for the public to actively monitor the procurement process. The SEAP portal, however, will mainly be a repository of reports about the health sector.

Likewise, the platform to monitor the activities of ethical councils has been developed, but several problems remain. When collecting information on ethical practices, the councils often failed to scrub identifying patient data or other legally private information. To prevent this information from being released, the Ministry of Health decided to analyze raw data from the ethical councils and use the platform to present aggregated reports about trends in findings. The ministry had yet to open existing data. For more information, please see the 2014–2015 IRM midterm report.

### **End of term: Substantial**

This commitment remains substantially complete. Parliament passed the required legislation, the two platforms were developed, and the public health units started supplying information to the platforms. The Ministry of Health is publishing data online regarding the ethical councils, health procurement, and public health budgets. However, there have been delays in opening access to the new platforms. At the end of term, the two portals are not yet fully functional, but development is ongoing.<sup>2</sup> After the conclusion of the implementation period, the ministry uploaded procurement data on 8 September 2016 and information about the ethical councils' activities on 29 October 2016.

On the pilot procurement platform, the Ministry of Health's website included approximately 2,800 data visualizations by the end of 2016.<sup>3</sup> In addition to the public procurement data, public health unit budgets are also available via ministries' webpages.<sup>4</sup> The platform for the ethical councils is available online, but only health administrators responsible for reporting raw data from the public health units have access to the platform.<sup>5</sup> The Ministry of Health can then aggregate and analyze this data and publish results on the data.gov.ro platform.

Despite the advances in the implementation of this commitment, CSO representatives have criticized the way the ministry chose to carry out implementation. Some CSOs viewed these projects, which were already under development prior to the action plan, as a way to publicize their progress without actually increasing cooperation with civil society counterparts. Civil society had very little input or responsibility in overseeing or monitoring the implementation.

## **Commitment 6**

### **Midterm: Limited**

At the midterm, the Ministry of Health had developed the platform to monitor anti-corruption measures and had taken preparatory steps to test the platform in five major hospitals. The platform was only accessible to public health workers, and the Ministry of Health assisted all 350 public health units in Romania to develop their own input for the platform. The ministry had not yet developed corruption prevention measures. For more information, please see the 2014–2015 IRM midterm report.

### **End of term: Limited**

Since the midterm report, stakeholders have made some progress on creating a patient feedback mechanism and developing a pilot platform, but the ministry has not started the implementation of anti-corruption measures. This commitment was intended to complement the Ministry of Justice's new National Anti-Corruption Strategy. However, creation of the anti-corruption strategy framework was delayed, and the ministry adopted it after the conclusion of the commitment period. Through this commitment, the Romanian government included goals to reduce health system corruption in a national policy for the first time. In the IRM researcher's view, the delay in establishing the national framework may explain the lack of progress in implementing this commitment.

Hospitals have adopted the pilot anti-corruption platform, but it is not intended for public use or access. Once patient identification information has been scrubbed, health institutions are able to collect patient feedback and data through the platform, analyze it for trends, and then publish statistics and findings on Romania's open data portal.

Implementation of the patient feedback system suffered from administrative shortcomings and improperly trained staff. In addition, the results of the patient feedback survey were compromised by inappropriate administration methods, such as failing to ensure anonymity and not controlling for selection bias. Specifically, the questionnaires:

- Lacked a mechanism for ensuring patients could complete only one survey
- Were too lengthy and complex for patients to understand
- Were not anonymous (completed in the presence of medical personnel)

- Were not representative samples due to self-selecting methodology

After the commitment period, the Ministry of Health proposed a new survey methodology, published on 21 November 2016 on its website for public consultation. These updates address some of the issues listed above but still do not include a mechanism to control for bias.

As of late 2016, only summaries of the patient questionnaires are publicly available. The summary data has been published on the open data portal, but the raw data containing individual patient responses is not available. It should also be noted that summaries were published for September and October 2016, with plans to publish the results from the patient feedback mechanism every three months. Discussions with CSO representatives have indicated that there was an open disagreement within the ministry regarding how to best implement this commitment, which may explain the limited completion and substantive issues with patient feedback methods.

### **Did it open government?**

#### **Commitment 5:**

##### **Access to information: Major**

The achievements of this commitment should be considered a major step forward in opening government with respect to access to information. The platform monitoring public procurement in the national health system is a somewhat minor advance, considering that health procurement data was already accessible in a similar form on the SEAP portal. However, the platform monitoring the ethical councils represents a major change in government practice. It has led to opening in one of the least transparent public systems in Romania. The data offered through this platform allows citizens to access previously unavailable information, such as the number and the type of complaints that the ethical councils have resolved.<sup>6</sup> Accessing information on complaints raised in specific hospitals is particularly important because it allows the public to make more informed decisions when choosing hospitals for specific types of treatment, and enables citizens to assess different aspects of health unit performance.

Although substantially completed, there are still aspects related to the commitment that could be improved to open government in a transformative way:

1. As indicated by the self-assessment report, the public and other interested stakeholders should be more involved in assessing the two platforms. Since the data was published on the open data portal, there was only one public comment on the dataset on procurement, indicating a low number of users for the two datasets.
2. The quality of datasets published on the open data portal could be improved. The current versions do not have metadata, nor do they include clear explanations and descriptions for the variables in the datasets.<sup>7</sup>
3. A monitoring system is needed to ensure that hospitals will continue collecting and updating information on the platforms regularly.

#### **Commitment 6:**

##### **Access to information: Marginal**

This commitment marginally opened government. Health institutions have published data from the patient feedback mechanism after several delays, and significant methodological problems had affected the data. The Ministry of Health has modified both the methodology and the patient questionnaire to correct issues identified during the piloting phase, but the government has done little to consult or involve civil society in the activities of this commitment. However, providing for these shortcomings in implementation, this commitment resulted in an overall change in government practice within the health system. Prior to the commitment period, it was highly uncommon, even in private clinics and hospitals, for patients to request additional explanations on procedures or treatment. In this context, implementing a questionnaire for patients to provide feedback and evaluate services they received represents an improvement and offers access to previously unavailable data in a structured manner.

Overall, this commitment could offer public access to relevant and useful information, but so far the mechanism is still underdeveloped.

### **Carried forward?**

Since commitment 5 was completed soon after the end of the second national action plan, it is no longer included in the third national action plan.

Commitment 6 remains incomplete, and the government did not include it in the third national action plan. However, the legislation required for completing this commitment has been adopted, and the Ministry of Health is working on the methodology for collecting patient feedback, suggesting that this project will continue. The IRM researcher recommends consulting with civil society actors to improve the patient feedback monitoring and reporting methodologies. A monitoring system should also be put in place to ensure that health institutions are regularly updating and publishing collected feedback in a transparent way.

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<sup>1</sup> An EU report published in January 2016 (SWD (2016) 16 final) stated: "Corruption in the Romanian health system has been recognized as a significant problem many Romanian citizens are facing. The main problems are related to public procurement, to fraud and passive corruption in the context of obtaining medical certificates, and to the practice of informal payments."

<sup>2</sup> See <https://portalvpn.ms.ro/remote/login?lang=en>.

<sup>3</sup> Public procurement data taken from the public procurement data portal. The visualization is available online at <http://transparenta.ms.ro/#>.

<sup>4</sup> The budget data for hospitals are available at <http://monitorizarecheltuieli.ms.ro/centralizator>.

<sup>5</sup> This platform contains data on the ethical councils. It is available online at <http://infrastructura-sanatate.ms.ro/>. However, the platform is password protected, and only health administrators can access this information.

<sup>6</sup> The data on the activity of the ethical councils is available at <http://data.gov.ro/dataset/activitatea-consiliilor-etice-din-unitatile-sanitare-publice>.

<sup>7</sup> <http://data.gov.ro/dataset/activitatea-consiliilor-etice-din-unitatile-sanitare-publice>.

## Commitment 7. Open Contracting

### Commitment Text:

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

Responsible institution: National Authority for Regulating and Monitoring Public Procurement

Supporting institution(s): Ministry of the Information Society (Digital Agenda Agency), Ministry of Public Finance, Ministry of European Funds, Funky Citizens Association, Open Society Foundation

Start date: July 2014

End date: June 2016

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion				Did it open government?						
	None	Low	Medium	High	None	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. Open contracting				✓	✓		✓	✓	✓			✓			✓					✓			

### Commitment Aim:

The commitment's main goal is to apply the principles of open contracting to publicly funded contracts exceeding RON 250,000 (about EUR 55,000).<sup>1</sup> (Contracts containing confidential information are excluded).<sup>2</sup> Officials then publish contracts on the Public Procurement Electronic System (SEAP), a public procurement portal. To complete this commitment, the government has to elucidate the required steps for implementation, based on consultations with the World Bank and Romanian stakeholders. A pilot open contracting project will then be used to test strategies and will



culminate in civil society and government recommendations for changes in current practice or legislative amendments needed to implement open contracting.

## **Status**

### **Midterm: Limited**

Consultations with the World Bank and with all procurement system stakeholders were concluded or substantially completed by the time of the midterm evaluation. The government held a set of broad consultations among public institutions, civil society, and citizens to identify the needs and required resources for the implementation of open contracting in Romania. The Digital Agenda Agency of Romania (AADR) studied and pledged to apply the Open Contracting Data Standard (OCDS) to the next version of the SEAP portal with assistance and input from civil society.

The third milestone activity required a pilot project. Due to administrative and bureaucratic hurdles, the government did not start the project, which halted implementation. All remaining activities relied on the pilot project's completion and have therefore stalled. For more information, please see the 2014–2015 IRM midterm report.

### **End of term: Limited**

There has been little progress on implementing this commitment since the midterm evaluation. The pilot project remains stalled, and as a result the remaining milestone activities could not be completed.

## **Did it open government?**

### **Access to information: Marginal**

### **Public accountability: Did not change**

In its current stage, the commitment did not stretch government practice in public accountability because the government did not create a mechanism to hold officials accountable. However, despite its limited completion, the commitment resulted in some marginal improvements for access to information. The Digital Agenda Agency's implementation of the Open Contracting Data Standard (OCDS)<sup>3</sup> and the thorough discussions with civil society representatives have led to some positive progress. The government self-assessment report states that the open contracting standard for publishing data has been applied to the SEAP portal. However, a CSO representative clarified that the only information available to date is what the government has presented during OGP Club meetings. There is no outside verification that the government has applied the OCDS system to the procurement portal, though the CSO representative confirmed that the government is regularly updating the portal every three months. Civil society organizations have continued to pressure the government to complete this commitment and successfully advocated for its upgrade and inclusion in the next action plan. The revised commitment will attempt to overcome the problems encountered during the recent implementation period. Although there have been some positive changes, some CSOs remain skeptical that the platform is near completion and will be fully function in the near future, given the lack of verifiable information on progress.

## **Carried forward?**

Open contracting has been, in one way or another, present in all of Romania's national action plans: creating an electronic platform in the first action plan, implementing open contracting principles in the second action plan, and implementing the Open Contracting Data Standard (OCDS) in the upcoming third action plan. The commitment has been carried forward in the third action plan and will aim to implement the stalled pilot program.

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<sup>1</sup> Existing legislation (Emergency Government Ordinance 34/2006) establishes two thresholds that are different from the one mentioned in the commitment: EUR 30,000 for acquisition of goods and services, and EUR 100,000 for execution of works.

<sup>2</sup> On the definition of confidential information: OUG 34/2006, Art. 215 available in Romanian at <http://legislatie.just.ro/Public/DetaliuDocument/178723>). It states: "The public procurement file is a public document in the

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form it had at the moment someone required access to information in the file. Access to this information [...] can be restricted only to the extent the information is confidential, classified, or protected under intellectual property law.” It is unclear if only the confidential information within a file is excepted or if institutions will argue that the confidential character extends to the whole file.

<sup>3</sup> Civil society representatives working on budgets and public procurement think the commitment could be successful given the decision to implement the OCDS. During the OGP Club meeting dedicated to the self-assessment report, a representative of an NGO suggested the pilot project that the Ministry for Public Consultation and Civic Dialogue is in charge of implementing.

**Commitment 8. Open Access: Opening Up Data Resulted from Publicly Funded Research Projects**

**Commitment Text:**

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

Responsible institutions: Ministry of National Education, Minister Delegate for Higher Education, Scientific Research, and Technological Development

Supporting institution(s): National Council of Rectors, National Trade Union Federation “Alma Mater,” Open Society Foundation, Transparency International, Kosson Initiative

Start date: September 2014

End date: June 2016

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion				Did it open government?					
	None	Low	Medium	High	None	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. Open access: Opening data from publicly funded research projects			✓			✓						✓			✓				✓			

**Commitment Aim:**

The main goal of this commitment is to enhance the impact of publicly funded scientific research by disseminating findings and publications under open access rules. This commitment proposes to monitor open access programs and create recommendations for developing and applying open licensing, making publicly funded research accessible through a single national gateway.

**Status**

**Midterm: Limited**

Romania has not implemented a European Commission recommendation to provide open access for publicly funded research projects. New legislation for open access to research papers was enacted through the National Strategy for Research, Development, and Innovation 2014–2020. However, the government did not implement the new legislation, and by the end of the midterm period it had published only a few datasets and research papers. The national repository archive for scientific research papers is digitized and should be accessible to the academic community in the future.

However this falls short of the intended goal to provide open access to the general public. For more information, please see the 2014–2015 IRM midterm report.

### **End of term: Limited**

The government has made some progress since the midterm evaluation, but completion is still limited. The new legislation requires publicly financed research to provide public access to abstracts online within one year of publication. This falls far short of the EU requirement for free open access to full reports and papers resulting from publicly funded research. The IRM researcher audited several government data portals and found few datasets or research papers. Based on this audit, the progress for this commitment is limited. Furthermore, the government needs to develop public policies to aid commitment implementation. Specifically, the government should put in place a monitoring and evaluation mechanism to compel researchers and institutions to comply with open access rules. This would likely require changes in research funding to cover costs associated with open access publishing, intellectual property rights, and EU regulations.

### **Did it open government?**

#### **Access to information: Did not change**

If fully implemented, this commitment could greatly increase public access to academic and scientific research findings and publications. However, as implemented, this commitment fell far short of achieving its goals. The government published recommendations online for creating national research repositories.<sup>1</sup> Upon close reading, the recommendations reveal internal miscommunications and disagreements about the interpretation of this commitment. This resulted in two different understandings of the term “open access.” The first defined “open access” as making the results of publicly funded research openly available and free of charge. The second interpretation, which is incorrect, defined “open access” as making privately funded research in fee-charging journals free and open to the public.

Resolving these issues has stalled implementation. As such, access to information has not changed beyond the baseline.

To change publishing practices, the scientific community must first reach consensus on the following issues:

- The type of research that should be published in the open access repositories,
- The rules governing intellectual property,
- The format and the metadata, which vary from discipline to discipline,
- Who should be responsible for maintaining the repositories, and
- Who should pay for the creation and maintenance of the whole system.

These preliminary conditions must be resolved to improve publishing practices beyond the baseline. This commitment could effectively change practice under the following conditions: (1) legally requiring researchers to make the full results of their research freely available to the public (most researchers currently do not) and (2) creating the infrastructure for compelling researchers to comply with such rules. This infrastructure would require legislation, funds, and implementation, and the government has yet to tackle these issues.

### **Carried forward?**

The government did not complete the commitment in the second national action plan. Civil society representatives have proposed including the commitment in the third national action plan, but the Executive Agency for Higher Education, Research Development, and Innovation Funding (UEFISCDI) decided that the commitment needs clarification before receiving additional financial and human resources. In particular, the relationship between the commitment’s goals and the EU requirements for publicly funded research needs to be demarcated. Additionally, the researcher recommends

addressing legislative issues related to financing the costs of administering and maintaining a national institutional repository.

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<sup>1</sup> The recommendations are available at <https://portal.anelisplus.ro/content/depozite-institutionale-si-relatia-cu-depozitul-national>.

**Theme 2: Open Data**

**Commitment 9. Increasing the Quality and Quantity of Published Open Data**

**Commitment Text:**

1. Creation within the Department for Online Services and Design, Chancellery of the Prime- Minister, of a dedicated unit that will provide technical support for the data.gov.ro gateway.
2. Development, online publication and dissemination of Open Data Guidelines. The document will be subject to revisions and amendments so as to meet the needs of the stakeholders.
3. The government of Romania has already published datasets that fall under the 14 high value areas as designated by the G8 Open Data Charter, and will continue its efforts to update and improve the quality of these datasets.
4. The ministries will release 111 new datasets by publishing them on the data.gov.ro gateway.
5. The publication of the datasets requested by the civil society will be monitored. The list comprising these datasets is currently published on the ogp.gov.ro website and will be updated regularly following written requests submitted to the Department for Online Services and Design. The status of the publication will also be regularly updated. The institution in charge of a specific dataset will inform the Department on the projected publication timeline and/or any challenges encountered.
6. The mechanism required for the collection and storing of compulsory metadata as defined in DCAT-AP26 will be embedded in the national data.gov.ro portal.
7. A mechanism that will automatically assess the comprehensiveness of any published dataset will be embedded in the national data.gov.ro portal.

Responsible institution: Chancellery of the Prime Minister

Supporting institution(s): Public institutions, Open Data Coalition, ActiveWatch, Funky Citizens Association

Start date: July 2014

End date: June 2016

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion				Did it open government?					
	None	Low	Medium	High	None	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
9. Increasing the quality and quantity of published open data				✓		✓	✓	✓	✓			✓				✓					✓	

**Commitment Aim:**

This is an overarching commitment focused on improving the Romanian open data portal. It is related to most of the commitments included in the national action plan. The commitment aims to open an increasing number of high-quality, priority datasets that are useful to citizens, government

administration, and the business sector. Improving data quality and the number of open datasets published also correlates with the activities specified in Commitment II to promote innovative uses of datasets.

In order to complete the commitment, the government must reach a number of detailed and technical milestones: creating a technical support unit for the data platform, developing open data guidelines, releasing and publishing datasets on the platform, monitoring how institutions respond to civil society's requests for datasets, adding a metadata mechanism to the open data portal, developing national vocabularies, harmonizing Romanian vocabularies with those of the EU, and implementing a user-feedback mechanism on the open data portal.

## Status

### Midterm: Substantial

Completion was substantial at the midterm evaluation. The government put the gateway support system in place in 2014 and published more than 300 datasets on the portal, almost triple the amount envisioned in the milestones. To inform public institutions, the government completed open data guidelines on uploading datasets to the portal in March 2015,<sup>1</sup> though it had not shared the guidelines widely yet. Additionally, officials improved the interoperability of datasets with various types of software and European Union portals. The Department for Online Services and Design (DSOD) adapted widgets that allowed data from different websites to be exported to the portal. CSOs and citizens frequently used the platform, which became the central access point for government open data.

More technical milestones also progressed. The government launched the mechanism for collecting and storing compulsory metadata for public testing.<sup>2</sup> Additional developments included another mechanism for assessing the comprehensiveness of published datasets, a mechanism to assess and adapt digitization/upgrade programs in public institutions, and the national vocabularies. Finally, the mechanism to receive user feedback was also substantially completed. For more information, please see the 2014–2015 IRM midterm report.

### End of term: Substantial

Most of the efforts since the midterm evaluation focused on three areas:

- Improving the functioning of the open data portal (for example, by updating the guidelines with best practices),
- Increasing the number of datasets uploaded by public administration institutions (by July 2016 more than 500 datasets were already uploaded to the portal), and
- Increasing the quality of the datasets (for example, communicating problems identified during hackathons).

The open data portal has continued attracting users, as indicated by the traffic statistics. Data for July–December 2016 show that, excepting December, the number of monthly unique visitors exceeded 15,000, the equivalent of 500 unique visitors per day.<sup>3</sup> It should be noted, there are some remaining issues with the quality of datasets published on the open data portal. CSO representatives note that although more datasets are available the focus is on quantity over quality. Participants in hackathons, who have first-hand experience using the datasets from the open data portal, echo this complaint: the quality of the data is uneven, and usable metadata is all but absent from the portal. Many of the technical milestones (the metadata catalogue, the national vocabularies, and the mechanism for assessing the comprehensiveness of published datasets) are still under development, and the government will most likely carry them forward to the next national action plan.

## Did it open government?

**Access to information: Major**

**Civic participation: Did not change**

**Public accountability: Minor**

This commitment's implementation created a major change in public access to information, a minor change in public accountability, and no significant change to civic participation.

Access to government information increased in a major way due to the variety and scope of the datasets published during 2014–2016. In many cases datasets contained information that was not public prior to the commitment period or that could be obtained only after prolonged exchanges with the data-holding institutions.<sup>4</sup> Moreover, NGOs are already using many of the datasets to inform their analyses or to develop infographics and applications.<sup>5</sup> This indicates that the data is useful to civil society and to the stakeholders more generally. In addition, data quality impacts real-world applications, and the institutions creating and publishing the data are able to receive feedback on data quality and usability.

In addition to measurable progress on this commitment, the IRM researcher considers that the commitment has changed the public administration's institutional culture, improving practices that encourage transparency and openness. As of late 2016, most central public institutions had begun uploading datasets on the portal with continuous updates planned going forward.

In terms of public accountability, some activities, such as ethical hackathons, allowed citizens to hold officials accountable for providing quality data, representing a minor change in government practice.<sup>6</sup> Continued accountability mechanisms will depend on users accessing the data and developing applications to monitor its quality and quantity to ensure the government is meeting its goals.

To improve and increase open access to information, the data portal's structure could be improved to allow users to quickly identify and use datasets. The quality of the datasets is uneven, and most of the datasets do not have associated metadata explaining the content, definitions of terms used, or information about data measurements.

### **Carried forward?**

This commitment is carried forward in the third national action plan. In many ways, it provides the preparatory work for more specific data commitments in the future. The IRM researcher recommends devising standards for uploading data on the portal, including the format of the file, administrative variables (such as SIRUTA codes for localities or ISCO codes for occupations), and mandatory metadata to make the information more useable. In addition, requiring local- and municipal-level government institutions to publish local datasets could lead to a transformative change in access to information.

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<sup>1</sup> The guidelines are available at <http://bit.ly/2hMwtHF>.

<sup>2</sup> The catalogue is available at <http://data.gov.ro/catalog.ttl>.

<sup>3</sup> Statistics related to the content of the open data portal are available at <http://data.gov.ro/stats#total-datasets>. Statistics related to people accessing the open data portal are available at [http://data.gov.ro/romania\\_theme/ga](http://data.gov.ro/romania_theme/ga).

<sup>4</sup> Specific examples can give a better sense of how much things have changed with respect to the quality and quantity of open data. The National Statistics Institute, for instance, started offering free access to all its datasets in the summer of 2014. Before then, access was fee-based for regular citizens. An alternative example is the increase in the quality of data provided by the Electoral Authority: Several years ago election data were available only several weeks after the elections and only aggregated at the county level. Since then, election data are published online almost live during the elections, and they are offered aggregated at the voting section level.

<sup>5</sup> Examples of such uses include: <http://www.factual.ro/>; <http://www.banipublici.ro/>; or <http://inovarepublica.fundatia.ro/category/guv-deschisa/>.

<sup>6</sup> The hackathons and the GovITHub project are the most visible examples of increased civic participation through access to data from the online data portal. Here are some projects developed based on data published on the portal: [https://termene.ro/analize\\_studii.php](https://termene.ro/analize_studii.php); <https://baniitai.info/>; or <https://itunes.apple.com/us/app/romanian-railways/id1099755336?mt=8>.



**Theme 3: Human Resource Training and Development**  
**Commitment 10. Human Resource Training in the Field of Open Data**

**Commitment Text:**

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

Responsible institution: Chancellery of the Prime Minister

Supporting institution(s): Ministries, Open Data Coalition, ActiveWatch, Funky Citizens Association

Start date: July 2014

End date: June 2015

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion				Did it open government?					
	None	Low	Medium	High	None	Access to information	Civic participation	Public accountability	Technology & innovation for transparency & accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsened	Did not change	Marginal	Major	Outstanding
10. Human resource training in open data				✓	✓					✓						✓		✓				

**Commitment Aim:**

This commitment aims to create training guides on publishing and using open data. The following milestones work to achieve these goals:

- Prepare a course curriculum and educational materials,
- Conduct training sessions on open data management, and
- Pilot the course with a public institution, inviting public administration officials, civil society, journalists, and citizens.

## Status

### Midterm: Substantial

The Department for Online Services and Design (DSOD), with the support of the Open Data Coalition, developed the curriculum for the training and conducted eight training sessions for local governments across the country. The department held another three training sessions with personnel from the Ministry of Labor, the National Library, and the Ministry of Culture. Training materials, including the Open Data Guidelines, were published on the OGP platform ([ogp.gov.ro](http://ogp.gov.ro)) and distributed by e-mail and during training sessions, conferences, and other events. The government substantially implemented this commitment, despite some challenges. Public servants in charge of open data have many other competing responsibilities, and there is a high turnover rate, requiring continuous training of new staff.

### End of term: Substantial

Although at the midterm evaluation the commitment was substantially implemented, the next activity—piloting courses with a public institution—has not started. The Chancellery of the Prime Minister responsible for carrying out this commitment was unable to convince public institutions that the training program was necessary. This represents the second instance in the OGP process where the government could not organize a pilot program due to the disengagement of public institutions.<sup>1</sup> As a result, no further progress has been made since the midterm.

The Chancellery of the Prime Minister decided, following discussions with both representatives of the public administration and members of civil society, to replace this commitment with the development of a training and motivational program that would address the specific needs of different stakeholders (public servants, academics, members of the IT community, representatives of the private sector, etc.).<sup>2</sup>

## Did it open government?

### Access to information: Did not change

This commitment did not stretch government practice in providing access to information. It should also be noted that this commitment was primarily aimed at training government human resource officials and as implemented did not have a public-facing element.

### Carried forward?

The commitment is not carried forward in the third national action plan in its current form. A different approach will be taken using a project funded by the European Social Fund (ESF) 2014–2020. The new project includes training courses for public administration staff and the creation and dissemination of materials on open data management.

In addition to training offered through this project, an alternative and more sustainable solution would be to collaborate with universities to integrate open data management into existing degree programs. This approach could solve a long-term need for a large recruitment base of public functionaries who are trained in open data management.

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<sup>1</sup> The other commitment with a similar problem is commitment 7 (open contracting).

<sup>2</sup> The program is included in a project funded through ESF 2014–2020 that started in August 2016 and that includes as deliverables a methodology for publishing open data and disseminating data, a data visualization portal for public data and information, and training workshops in the area of open data. The program is managed by the Chancellery of the Prime Minister. The announcement of the project is available at <http://bit.ly/2kliFiH>.

## Theme 4: Disseminate OGP Information and Promote Open Data

### Commitment 11. Awareness of OGP Principles and Open Data

#### Commitment Text:

Disseminating information on the OGP principles and promoting the open data concept in an accessible manner

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

Responsible institution: Chancellery of the Prime Minister

Supporting institutions: Ministries, Open Data Coalition, private sector

Start date: July 2014

End date: June 2016

Commitment Overview	Specificity				OGP value relevance (as written)				Potential impact				Midterm completion		End of term completion		Did it open government?					
	None	Low	Medium	High	None	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
11. Awareness of OGP principles and open data			✓			✓	✓	✓	✓		✓					✓				✓		

#### Commitment Aim:

This commitment aims to disseminate information on open government principles and enhance citizen participation and engagement in policymaking and governance.

The government organized a variety of activities to achieve the commitment's goals, including information sessions, workshops, and events. These activities brought together numerous actors in Romanian government and civil society.<sup>1</sup> Public officials also aimed to regularly update the OGP

website with relevant national and international information and to promote OGP principles through leaflets, video tutorials, social media, online forums, and other available means.

## Status

### Midterm: Substantial

This commitment was substantially implemented at the midterm. Many milestones are ongoing, and are still progressing. The OGP Club convenes on a monthly basis and serves as a communication bridge between government and civil society. The OGP Romania website serves as the information platform on all action plan-related activities and is updated weekly. The government publishes minutes and information from meetings online and has held information sessions with various stakeholders. However, the public relations effort has mainly reached CSOs and public institutions that are already familiar with the OGP initiative. General public awareness on the partnership remains limited.

### End of term: Substantial

Outreach activities taking place at the midterm have continued. In addition, the team from the Chancellery of the Prime Minister used a variety of platforms to notify interested parties about events, to promote OGP principles, and to raise awareness of OGP activities:

- The OGP website (<http://ogp.gov.ro/>). Created in August 2013, it is the main communication tool for OGP implementation information. The website includes a calendar of events and key dates, information about all three national action plans, all OGP reports (self-assessment reports and IRM reports), links to the main partner sites (the OGP Club and the open data portal), a section containing useful resources, and a contact section, including contact data for all government officials involved with OGP.
- The OGP Facebook account (<https://www.facebook.com/RomaniaOGP/>). Created in November 2014, it is used mainly to communicate information about upcoming events organized by OGP Romania or to post reports from these events.<sup>2</sup>
- The OGP Romania Twitter account ([@ogp\\_ro](https://twitter.com/ogp_ro)). Created in December 2015, it is used to communicate information about upcoming events organized by OGP Romania or to post reports from these events.<sup>3</sup>
- Club OGP (<http://ogp.gov.ro/club-ogp/>) was created in February 2014 as a platform for face-to-face interactions with all those interested in OGP. Since its founding, there have been 22 OGP Club meetings, with participants coming from public institutions, academia, civil society, the private sector, and international groups.<sup>4</sup>
- The OGP implementing team has also adopted a policy of joining and participating in OGP-related discussions that were started by other stakeholders. One example is through the active “Open-Data” (Date deschise) mailing list.<sup>5</sup>
- The Chancellery of the Prime Minister in partnership with other stakeholders has organized events, including the OGP Romania Awards and the International Open Data Day.

The Chancellery of the Prime Minister had less success in completing activities that required the participation of multiple institutions. For example, there were cases in which ministries did not cooperate with the OGP team, such as in the case of negotiations with the Association of Romanian Towns. These talks were only partially successful (one meeting was organized in Oradea), while negotiations with the Association of Romanian Communes to raise awareness around OGP were unsuccessful. This is particularly important for the next national action plan, which extends the action plan activities at the subnational level. From interviews with CSOs and civil servants, the IRM researcher observed that the broader public lacks awareness about OGP and OGP activities. Instead, awareness generally is restricted to a select group already involved in the process. To reach a wider audience, the OGP team’s public relations strategy will have to change.

### **Did it open government?**

**Access to information: Marginal**

**Civic participation: Marginal**

**Public accountability: Did not change**

This commitment's activities offered more access to specific types of OGP related information resulting in a marginal change in access to information. At the same time, stakeholders could use all the communication channels developed during the implementation of the commitment to provide input and feedback to government representatives. Increased opportunities for citizens to express views on the OGP processes marginally opened government with respect to civic participation, though it is unclear the extent to which feedback was incorporated in policymaking.

### **Carried forward?**

The commitment is not carried forward to the third national action plan in its current form. A different approach will be attempted, using two projects funded by the European Social Fund (ESF) 2014–2020. One project will offer training courses to different stakeholders in the area of open data, and the other will develop and promote information materials and data visualization instruments.

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<sup>1</sup> Activities included: information sessions with ministries and subordinate agencies, mixed group workshops with stakeholder representatives, information sessions at the local level with prefectures, the Association of Romanian Towns, the Association of Romanian Communes, and representatives of small and medium enterprises, monthly OGP Club public meetings,

<sup>2</sup> At the end of November 2016, the account had 1,800 likes, indicating room for more growth on Facebook. The account is fairly active with 373 posts since its inception two years ago, averaging a post every two days. And there are 90 user comments, again suggesting the potential for more user engagement.

<sup>3</sup> At the end of November 2016, @ogp\_ro had 81 tweets (about seven tweets per month), 122 followers, and 26 likes. It should be noted that Twitter is not a very popular social network in Romania (data for 2015 estimate 380,000 user accounts, but only 28,000 active users).

<sup>4</sup> A complete list of all the 22 meetings and their summaries are available at <http://ogp.gov.ro/club-ogp/arhiva/>.

<sup>5</sup> The mailing list archive is available at <https://lists.okfn.org/pipermail/date-deschise/>.

## METHODOLOGICAL NOTE

Commitments are clustered based on the original OGP action plan. This report is based on analysis of the commitments, including a desk review of governmental programs, draft laws and regulations, governmental decrees, and the government's self-assessment report, as well as an examination of the third action plan drafting process. The IRM researcher also relied upon interviews and written input from governmental and nongovernmental stakeholders, as well as reports from the media, to evaluate completion of the action plan.

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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 assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

