

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

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Executive Summary: Israel

Israel's third action plan continues to focus on disclosing government-held information, strengthening transparency legislation, and using technology to improve access to government services. The consultation process to develop the action plan was rushed and offered few opportunities for stakeholders the opportunity to influence the contents of the plan. Moving forward, Israel could improve the consultation process of future action plans by holding more in-person meetings and allowing stakeholders to shape the thematic focus. Future action plans could also be improved by making sure that commitments are directly relevant to OGP values broadly and continue improving the Freedom of Information law specifically.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Israel joined OGP in 2012. Since then, it has implemented two action plans. This report evaluates the design of Israel's third action plan.

General overview of action plan

Israel enters its third action plan with a strong civil society, and the government continues to show willingness to consult civil society on a number of policy issues. Access to information remains an important area in Israel, particularly regarding the country's Freedom of Information (FOI) law, which has been included in previous action plans. Commitments in the third action plan seek to continue improving government transparency, access to information, and the availability of government services through technological solutions.

The Government Information & Communication Authority continues to coordinate the OGP process in Israel. The development of the third action plan included one in-person stakeholder meeting, which was followed up with an online consultation on the draft commitments. However, these consultations were held late in the development process, and civil society stakeholders expressed that they did not have sufficient opportunities to influence the final action plan commitments.

Table 1. At a glance

Participating since: 2012
Action plan under review: Third
Report type: Design
Number of commitments: 14

Action plan development

Is there a multistakeholder forum? Yes
Level of public influence: Consult
Acted contrary to OGP process: No*

Action plan design

Commitments relevant to OGP values: 11 (79%)
Transformative commitments: 1 (7%)
Potentially starred commitments: 1 (7%)

Action plan implementation

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

**DIOG: Did it Open Government?



The commitments in Israel's third action plan mainly focus on the use of technology to improve public access to government services and to improve transparency and information disclosure. However, several commitments represent small steps whereas others are not directly relevant to OGP values.

Notable commitments in Israel's third action plan include publishing secondary legislation (Commitment 5) and fulfilling Israel's reporting obligations for greenhouse gas emissions under the Paris Agreement (Commitment 6). Commitment 8 is also noteworthy, as it seeks to amend the Freedom of Information Law in order to increase disclosure obligations of government agencies.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
5. Increasing the transparency of information about primary and secondary legislation Make secondary legislation information publicly available through the "Legislation Depository" in the Knesset website	The IRM researchers recommend adding to the legislation website tools that could allow the public to offer feedback during the legislative process and engage more directly with Knesset members.	Note: this will be assessed at the end of action plan cycle.
6. Establishing a reporting and control system on the implementation of the measures in the National Plan for the Reduction of Greenhouse Gas Emissions Establish a system to report on progress toward the targets for reducing greenhouse gas emissions.	Moving forward, the government could ensure that the annual reports under the Paris Agreement present the information in a manner that is easily understandable to the public. The government could also include comparative information with previous reporting periods to demonstrate trends in implementation of the convention.	Note: this will be assessed at the end of action plan cycle.
8. Promoting Legislative Amendments regarding active publication of information Amend the Freedom of Information Law to increase disclosure obligations for government agencies.	The government could clarify what categories of information it intends to be disclosed through the amendments and which categories of public authorities will be covered. It is also recommended that the FOI law be harmonized with modern technology to facilitate easier submissions and improve publication practices.	Note: this will be assessed at the end of action plan cycle.

Recommendations

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

Table 3. Five KEY IRM Recommendations

Seek high-level political support (after formation of the new government) to oversee the OGP process.
Conduct at least three consultation meetings for the multi-stakeholder forum and provide reasoned response to participants.
Consider other government agencies, such as the Governance and Society division, to lead and coordinate the OGP process
Consider in detail whether future commitments will lead to changes in government practice along core OGP values of access to information, civic participation, and public accountability.
Have more ambitious and specific goals in future commitments in general and improve the FOI law in particular.

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



* In 2017, OGP updated its Procedural Review policy, establishing the level of "Involve" on the International Association for Public Participation (IAP2) spectrum as the minimum requirement during the development of the action plan (see Table 3.1 in this report). However, during the co-creation period for Israel's 2017–2019 action plan, the minimum requirement was "Consult." Therefore, Israel is not considered to have acted contrary to OGP process for the 2017–2019 action plan period. For more information about the Procedure Review policy, visit: <https://www.opengovpartnership.org/procedural-review/>.

I. Introduction

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

Israel joined OGP in 2012. This report covers the development and design of Israel's third action plan for 2017–2019.

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

II. Open Government Context in Israel

Israel continues to possess elements that bode well for open government, such as a vibrant civil society, a strong economy, and a thriving technology sector. Budget transparency and public participation in the budget process has improved significantly, though Israel's freedom of information law has not been modified recently. While the government has shown an increased willingness to consult civil society, several concerning trends have recently emerged towards free speech and freedom of association and assembly.

Israel joined the OGP in 2012 following a government resolution and a commitment by Prime Minister Benjamin Netanyahu "to advance the principles of open government as outlined by the OGP."¹ At the time, the government appointed a ministerial committee authorized to promote open government initiatives and committed to holding broad public consultation for its OGP commitments.² Israel's first OGP action plan (2012–2013) focused mostly on e-government and implementation of innovative digital projects, but only two of thirteen commitments were completed.³ The second action plan (2015–2017) focused on improving the Freedom of Information (FOI) law and the use of technology to increase access to information. However, the government failed to pass or table amendments to FOI law during the second action plan period, and the completed commitments were primarily vaguely related to FOI goals (like establishing a unified government website for the various ministries).⁴

Israel has some features that make it a potential global leader in open government, such as a vibrant civil society, advanced technologies, a strong economy, and an adequate legal framework. However, and Israel's engagement in OGP is currently receiving little support from the parties in government. In addition, the concentration of OGP coordination in the Chief Technology Officer indicates a particular vision of the nature of OGP, which places heavy emphasis on technology. This may be the reason many commitments in this and previous action plans are technology focused but only loosely related to core OGP values.

Access to information

Israel's FOI law was passed by parliament in 1998.⁵ It provides for some proactive disclosure but covers a wide range of public authorities regarding citizens' rights to access government-held documents. The courts have supported the development of the right to information by applying the law's exemptions narrowly.⁶ The Supreme Court has also given semi-constitutional status to the right to information.⁷ Nevertheless, the law has only been modestly amended since it was passed, and it does not include certain mechanisms known nowadays to be needed to promote a robust sense of transparency in government. For example, there is no central administrative authority with enforcement powers and no overall public interest consideration that overrides exemptions (except for when the courts decide to do so). Additionally, the time frame for providing information is 30 days by default and can be up to 120 days in some cases, much longer than in many other countries.

Budget transparency

Budget transparency in Israel has improved significantly during the past decade at the national level. The details of the government budget proposal are published around two months before the proposal is put to a vote in parliament. Public participation at this stage of the budget design is carried out mostly through parliament committees that see intense participation from civil society (though there are no mechanisms in place for wider participation in the process). Once passed, the budget itself is available in detail online, as are government procurements. A digital analysis tool is presented by the government for public use,⁸ and another is made available through the work of civil society with the support of the European Union.⁹ However, it must be mentioned that the government (parliament) has passed biannual budgets since 2011. This was controversial move that among other implications significantly reduced the opportunities for civic participation (as budget debates occur only every other year). The Supreme Court of Israel warned the government that it will not allow the continuation of this new practice.¹⁰ It is yet to be seen how this will unfold as the prime minister declared his determination to continue with the biannual budget process.

Other transparency issues such as opening up of government data and meetings of official public bodies or further proactive disclosure have no statutory status, other than in regard to specific fields of legislation (such as planning).¹¹ They are mostly anchored in government resolutions or Attorney General directives and not in legislation.

Civic engagement

As mentioned above, Israel has a strong civil society,¹² and a series of resolutions over the last decade has committed the government to growing cooperation with civil society,¹³ mainly with organizations providing social services and less with advocacy organizations (though such organizations are specifically mentioned in the government's framework for roundtable processes). The government regularly expands the scope of "roundtable" processes, first launched in 2006, in which CSOs are invited to partake in the formation of government policies. Examples include roundtables on self-management of middle schools, social-economic development of the Bedouin society, and civil service reform.¹⁴ These initiatives for cross-sector cooperation are conducted voluntarily and are not binding on the government.

In the OGP context, engagement of civic society continues to be unsatisfactory. Unlike previous action plans, the process to develop the third action plan began before the action plan was finalized but was at a rather late stage. According to government officials, no option to actually initiate new commitments or remove existing ones from the action plan existed.

At the same time that Israel is seeing growing readiness from government and the civil service to cooperate with CSOs, it is also witnessing greater tightening of civic space, including limitations (mostly indirect) on free speech and freedom of association and assembly. This is the result of a series of legislative acts, including making calls to boycott Israel "or any area controlled by it" (referring to Jewish settlements in the West Bank) a civil liability,¹⁵ a law giving the government authority to fine organizations receiving public funds that express views opposing the definition of Israel as a Jewish state.¹⁶ The same category of expression can now also lead to the disqualification of a member of parliament if supported by three-quarters of its members.¹⁷¹⁸ Another law passed in 2018 authorizes the minister of education to prevent CSOs acting in contrast to the goal of "meaningful military service or national service" or engaging in legal action outside of Israel against Israeli soldiers from any appearances in public schools.¹⁹ Parliament was about to pass a bill popularly referred to as "Loyalty in Culture bill," which would authorize the minister of culture to deny budgets/funding to organizations opposing the "Jewish and democratic" character of the state or "referring to Independence Day as a day of mourning," among other qualifications. But it is important to note that the law eventually did not pass, as the government fell apart, and elections were subsequently declared, which took place in April 2019. In a series of cases, the prime minister and the minister of Culture attempted to deny budgets/funding to organizations for their expressive actions.²⁰ Many of these administrative actions have been blocked by the attorney general and his staff, but they have a clear chilling effect.

Corruption in Public Administration

Corruption continues to be a major issue in Israeli politics. The last decade (beginning 2009) saw the minister of Interior, minister of Internal Security, minister of Tourism, and the current prime minister face indictments over corruption charges as well (contingent on a hearing to be held by the Attorney General in October 2019). All were found guilty in corruption related offenses. While these proceedings point to a resolute legal system both in the prosecution and the court system, these indictments are also a symptom of a political leadership that does not distance itself from illegal means. Most worrisome perhaps in recent years are the growing verbal attacks by politicians in general and Prime Minister Netanyahu in particular against the police and the prosecution.²¹

Israel has a whistleblower protection law that authorizes the State Comptroller's office to declare an individual as a whistleblower and grant him or her protection from employment termination and also allows courts to rule for compensation with no damage to the whistleblower. Public officials' asset declarations are not made public in Israel, unlike in most democracies. They are reported to the Knesset and the State Comptroller's office but remain confidential by law.

The summary of the Israeli context above includes some worrisome developments in the opportunities for civil society to operate, especially those representing minority groups and that are critical of government policy. These developments have a direct effect on the core value of citizen engagement as defined in the OGP eligibility criteria.²²

¹ Letter by PM Netanyahu to Undersecretary Otero of the US State Department, August 22, 2011. Available at: <https://www.opengovpartnership.org/countries/israel>

² Id.

³ IRM Final Report of Israel's 1st action plan, p.3 (2013), available at: <https://www.opengovpartnership.org/documents/israel-irm-progress-report-2012-2013>

⁴ IRM Final Report of Israel's 2nd action plan, p.8 (2015), available at: <https://www.opengovpartnership.org/report/israel-end-of-term-report-2015-2017-year-2>

⁵ For an English version of the law see:

<http://www.sviva.gov.il/English/Legislation/Documents/Freedom%20of%20Information%20Laws%20and%20Regulations/Free-domOfInformationLaw1988.pdf>.

⁶ See for example the following Israel SC decisions (links provided are to English versions of the decisions or summaries of them): HCJ 844/06 Haifa University v. Oz (2008), <http://versa.cardozo.yu.edu/opinions/haifa-university-v-oz>; AAA 3908/11 State of Israel, Courts Administration v. TheMarker – HaAretz Newspaper, Ltd. (2014), <http://versa.cardozo.yu.edu/opinions/state-israel-courts-administration-v-themarker-%E2%80%93-haaretz-newspaper-ltd>; AAA 2975/15 Ha'aretz v. Ministry of Foreign Affairs (2016) <http://versa.cardozo.yu.edu/opinions/haaretz-v-ministry-foreign-affairs>;

⁷ See AA 10845/06 Keshet Broadcast v. the Second Authority for Television and Radio (2008)

⁸ <https://public.tableau.com/profile/mof.budget#!/#!%2F>

⁹ Titled “Budge Key” and run by the “Public Knowledge Workshop,” available at: <https://next.obudget.org/>

¹⁰ Efrat Neuman “Israel's High Court Serves Notice: No More Two-year Budgets” Sep 7, 2017, HaAretz.com, available at: <https://www.haaretz.com/israel-news/business/high-court-serves-notice-no-more-two-year-budgets-1.5448926>

¹¹ See the Planning and Construction Law - 1965.

¹² Consisting of more than 15,000 active not-for-profits with a total expenditure of more than 13% of Israel's GDP. See: Israel's Third Sector at a Glance, The Israeli Center for Third Sector Research at Ben-Gurion University (2007). Available at: [http://in.bgu.ac.il/en/fom/lctr/Site%20Assets/Pages/Third-Sector/At%20a%20Glance%202007%20\(English\).pdf](http://in.bgu.ac.il/en/fom/lctr/Site%20Assets/Pages/Third-Sector/At%20a%20Glance%202007%20(English).pdf)

¹³ The most important of which are gov. resolution 3190 of February 2008 on third-sector cooperation and gov. resolution 1933 of August 2016 on the opening of government datasets to the public.

¹⁴ For more information see the website of “Sheatufim” a not-for-profit which leads many of these processes together with government officials: <https://sheatufim.org.il/en/subject/cross-sector-dialog/>.

¹⁵ The Law for Prevention of Harm to Israel by Means of Boycott – 2011.

¹⁶ Budgeting Principals Law (amendment no. 40) – 2011.

¹⁷ See article 42b to Basic Law: Knesset (English version, as amended):

<http://knesset.gov.il/laws/special/eng/BasicLawTheKnesset.pdf>

¹⁸ Basic Law: Knesset (amendment no. 44) (passed in 2016)

¹⁹ Public Education Law (amendment 17) – 2018 (popularly known as “Breaking the Silence Law” after the name of a CSO bringing forward testimonies of IDF soldiers about misconducts of the IDF in the Occupied Palestinian Territories, which the Minister of Education publicly vowed to prevent from entering schools and meeting students).

²⁰ The most recent example when writing this report is the Minister of Culture's letter to managers of the Haifa Museums demanding the removal of an art exhibit depicting Jesus as “Ronald McDonald” and mentioning that “there are articles... by which support to an art institution may be reduced”. See: Noa Shpiegel and Naama Riba, “Culture Minister Blocked From Cutting Haifa Museum Funds Over ‘McJesus’ Controversy”, haaretz.com January 16, 2019 available at: <https://bit.ly/2RxwaGV>.

On another occasion the Prime Minister declared he had approached the EU with a request to stop funding certain CSOs. See: Noa Landau, “Attorney General to Netanyahu: You Can't Collect Information on Left-wing Organizations”, haaretz.com November 19, 2018, available at: <https://bit.ly/2KmwG3L>.

²¹ See for example: Isabel Kershner “Netanyahu Lashes Out as Israeli Police Wrap Up Graft Inquiries” NYTimes.com Feb. 8, 2018, <https://www.nytimes.com/2018/02/08/world/middleeast/israel-netanyahu-police.html>; Mehul Srivastava “Benjamin Netanyahu turns fire on attorney-general as election looms” ft.com Jan. 17, 2019, <https://www.ft.com/content/538d7fd8-1814-11e9-9e64-d150b3105d21>.

²² The Association for Civil Rights in Israel reports on what it describes as the “Shrinking Democratic Space” in Israel (see its 2018 report discussing these and other developments and titled “A Bad Year for Democracy” here: https://docs.wixstatic.com/ugd/01368b_084fea4ebf814eebb27963504fcd6baf.pdf)

III. Leadership and Multi-stakeholder Process

Development of Israel's third action plan saw government officials for the first time initiating both online and offline consultations with non-governmental stakeholders. However, these consultations were held late in the development process and did not offer an opportunity for civil society to influence the action plan commitments in a meaningful way.

3.1 Leadership

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

When Israel joined OGP in 2012, Cabinet Minister Michael Eitan, a politician regarded for years as a champion of transparency and open government, oversaw Israel's involvement in the partnership. Minister Eitan also headed Israel's multi-stakeholder forum (the Open Government Forum). Since his retirement from politics in 2013, the responsibility for Israel's OGP process moved to the Treasury and then to the Office of the Prime Minister. Within the PM's office, OGP is headed by the chief technology officer (CTO), with no involvement of ministerial or other political levels. The CTO is joined by several other government agencies in charge of specific action plan commitments and heads the Cross-Sector Open Government Forum, which is not convened regularly.

The appointment of the CTO and the agency headed by the Government Information & Communication Authority (ICT) points in the direction of advancement of technology-based commitments. Though such initiatives are worthwhile, their inclusion in Israel's action plans has sometimes come at the expense of measures to tackle other important open government challenges in Israel.

There is currently one ICT staff member who works full time on OGP coordination and who is assisted in this task by other part-time staff members. This represents an improvement from the previous action plan, when only one part-time staffer was in charge of OGP. There is no dedicated OGP budget, but the government has allocated significant resources in recent years to the promotion of open government initiatives that appear as commitments within the action plan. This includes approximately 5 million USD to help agencies make their datasets publicly accessible (for Commitment 10 in the current action plan). Generally, none of the government representatives in charge of commitments or CSOs working with them mentioned when speaking with the IRM researchers budgetary constraints as an impediment to further progress in open government efforts.

3.2 Multi-stakeholder process throughout action plan development

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

OGP's Articles of Governance also establish participation and co-creation requirements that a country or entity must meet in its action plan development and implementation to act according to OGP process. Israel **did not** act contrary to OGP process.¹

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

Table 3.1: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.² This spectrum shows the potential level of public influence on the action plan's content. In the spirit of OGP, most countries should aspire for "collaborate."

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

Multi-stakeholder forum

Israel has had a multi-stakeholder forum (the Open Government Forum) since the beginning of its OGP participation, but this forum did not meet regularly (at times, less than once a year). The basic structure of the forum was determined in a government resolution, but many new stakeholders from civil society and the private sector were brought in during the design of the third action plan. Involvement in the forum is by invitation only. Invitees come from the government sector, private sector, local government, and a wide range of CSOs from the good governance and transparency fields and from specific theme-focused or professional NGOs (for instance “Mossawa,” an advocacy NGO working on equality for the Arab minority and “Adam, Teva VeDin, an environmental NGO). The forum does not have formal rules or procedures but largely operates on a consensual and informal basis, as is typical of similar bodies in Israel. This is not a drawback, as the informal structure allowed for inclusiveness and free flow of the discussion. The 2011 government resolution that created the forum calls for meetings to be held twice a year, which has never happened (thus the formality itself was no assurance of procedural correctness).

For the third action plan’s development, the forum met once for a daylong session (11 July 2017), after which a few meetings were held with specific stakeholders, and an online consultation process was carried out.³ This process was documented online and can still be accessed by participants and non-forum members. On the one hand, it was a less formal process, and the authority of the forum is less clear compared with the first and second action plans when the forum operated according to a government resolution. The forum did not have official decision-making procedures or powers. Rather what was discussed was supposedly taken into account by the government officials and incorporated into their subsequent work. On the other hand, this action plan was more inclusive, encompassing a wider range of CSOs and representatives of the private sector. The forum as convened during the preparation of the current action plan was composed of 28 women and 24 men.

Participation and engagement throughout action plan development

The development of Israel’s third action plan showed some evidence of improved stakeholder participation compared with that of previous action plans. In part, this is a result of complaints by civil society during the planning and implementation of the second action plan, when some CSO participants described the consultation process as paying “lip service” to the idea of consultation.⁴ For the third action plan, the OGP governmental leadership showed more effort to engage CSOs in the development process. A wider range of CSOs was invited to the daylong consultation in July 2017, it was done at an earlier stage in the process than during previous action plans, and it continued through an online consultation tool. However, there were still significant shortcomings to the process. As mentioned above, the Open Government Forum convened only once on 11 July 2017 to discuss the third action plan. Furthermore, this meeting took place after the official date by which the action plan was supposed to be presented to OGP (December 2016). According to

interviewed participants (one of the IRM researchers attended the meetings), nearly all had not been provided information about the planned time line and the activities to develop the action plan. Some stakeholders were consulted on specific proposals, but no complete draft action plan was presented. Eventually, the action plan was published in December 2017, and the government adopted it officially in March 2018.

This one-day event was the primary means for stakeholder consultation during the third action plan development (with some narrower consultations occurring later as described below). The first part of the day was dedicated to a discussion on the definition of open government, its goals, and the ways to measure open government outcomes and impact. There was an open and lively debate, but several participants expressed concern that these fundamental questions were raised at a time when practical discussions on specific actions should have already taken place. The second half of the day consisted of discussions in separate groups, each focusing on one theme in which commitments were being considered. A major fault in the process was that, by this point, the government had already decided on most of the commitments, and participants did not have a real opportunity to suggest any new commitments.⁵ The commitments presented to stakeholders were the result of programs discussed within the ICT and the Ministry of Justice and consolidated within the action plan. Discussions with stakeholders were mainly held to give them the opportunity to comment on the existing commitments as presented by the government and to fine-tune them.

This daylong consultation was followed up by a dedicated online consultation platform in which two venues were created⁶ – one to discuss how to measure the impact of open government and the other to discuss the action plan itself. The first yielded more than 170 comments from government officials and civil society representatives, most of whom had participated in the consultation day. The second, however, saw only four comments. The first online consultation resulted in what the ICT calls “insights” produced from the comments whereas the latter did not yield additional insights. The government point of contact admitted that there was not much that could have been changed at that stage through the online consultation, hence the lack of processing of the little discussion that did occur during this online consultation.⁷

Another track of ongoing consultation included the ad hoc meetings between government officials and individual organizations to discuss specific commitments. For instance, the Public Knowledge Workshop engaged with the government on how to better implement Commitment 10 (open databases). The workshop reported that the government was open to the group’s comments and that the results of the discussions were evident in the action plan. Representatives of the Movement for Freedom of Information met with Justice Ministry officials to discuss transparency focused commitments, and a representative of the Israel Democracy Institute discussed the categories of open databases and privacy issues with the CTO.

But these individual consultations cannot change the overall fact that despite increased efforts compared with those of previous action plans, the consultation process was lacking. CSOs had no real opportunity to bring forward their own priorities or suggest new commitments; they were allowed only to respond to a fixed action plan at a stage where the commitments could only be modified to a limited extent.

Co-creation and participation recommendations throughout development

Israel’s third action plan focuses on areas that are not necessarily the most relevant to OGP values, and its level of ambition is unsatisfactory. The relevance and level of ambition of the action plan could have been addressed via the involvement of high political ranks in the leadership of OGP and perhaps also overall responsibility by agencies with a more policy-driven approach.

Israel showed modest progress in areas of the design of the multi-stakeholder forum, the consultation process, and the use of online consultation technologies. Some areas where Israel can improve include the following:

- The frequency of forum meetings;
- The timing of consultation;

- The impact of forum consultation process on the contents of the action plan; and
- The reporting back to forum members regarding the impact of their comments on the action plan.

To improve performance on these areas, the IRM researchers suggest that moving forward, the following actions be taken:

- The forum should meet at least three times a year and more frequently during the action plan design process.
- Forum should be brought into the co-creation process much earlier. Considering Israel is already late in developing its fourth action plan, they should be brought together to discuss the design of a fourth plan as soon as possible.
- The forum should be given more opportunities to be able to influence the contents of the action plans, including the possibility to propose commitments not brought forward by government.
- The government could produce a design process report, laying out the recommendations from CSOs, how they affected the action plan and explaining why certain recommendations were or were not adopted. It is important that, for future action plans, the government provide reasoned responses to comments and proposals from stakeholders to meet OGP's "involve" threshold in Table 3.1 and to avoid acting contrary to OGP process.

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

² "IAP2's Public Participation Spectrum," IAP2, 2014.

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

³ Can be seen here (in Hebrew): <https://yoursay.gov.il/1003> and <https://yoursay.gov.il/1008/members>.

⁴ See Israel End of Term Report 2015-2017, p. 3, available at: <https://www.opengovpartnership.org/documents/israel-mid-term-progress-report-2015-2017>.

⁵ According to Nirit Blayer of the Movement for Freedom of Information, interviewed on Dec 5, 2018 in Tel-Aviv

⁶ See fn 13 above.

⁷ Phone conversation with government point of contact, Nov 27, 2018.

IV. Commitments

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

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

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

What makes a potentially starred commitment?

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

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

Based on these criteria, Israel’s action plan contains one potentially starred commitment:

- Commitment 5: Continuing the development of the National Legislation Database

Starred commitments

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

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

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

General Overview of the Commitments

Israel’s third action plan in many ways is a continuation of the previous action plans in terms of thematic focuses. It builds on previous commitments (for civic participation processes, a commitment that appeared in the first action plan, publishing government databases and the National Legislation Database), which may be good, but also suffers the same shortcomings. Many of the commitments are low in ambition (for instance defining transparency criterion or evaluating the action plan) whereas others are vague and do not have direct relevance to OGP goals (such as establishing government call centers or remotely accessing government services and paperless government or action plan performance indicators).

The commitments focus on four main themes:

- Improving the accessibility of government processes;
- Transparency and open information;
- Increasing the public’s involvement in policy processes; and
- Harnessing technological innovations to improve government services to the public.

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

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

1. Expanding the scope of civic participation processes in government ministries' work, through inculcating the process and ensuring that the means to carry it out are publicly accessible

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

"Improving decision-making and performance of government ministries through processes of civic participation, that include diverse target audiences. Processes of civic participation help minimizing the distance between government authorities and the public and civil society organizations, and enable decisions to be made after a more comprehensive image has been obtained."

Milestones

1.1 Developing an online platform for making processes of civic participation publicly accessible.

1.2 Training – offering workshops, conferences and meetings to raise awareness and build planning and implementation capabilities for processes of civic participation in government ministries and in support units

1.3 Creating and updating a methodology for planning and implementing processes of civic participation in the government's various spheres of activity, including legislation, work plans, regulation, etc.

1.4 Formulating indicators for evaluating processes of civic participation in government endeavors and their operation.

1.5 Increasing the number of participatory processes that will influence decision-making processes.

Start Date: January 2018

End Date: June 2019

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

Context and Objectives

This commitment stems from a decade-old government policy to increase public participation in decision-making processes in Israel. Several government resolutions have expressed commitment to this policy (such as resolution 4028 of November 2011).² While the policy was set in place, government officials involved in promoting civic participation believed the different agencies lack the know-how to actually carry out such processes. A commitment addressing this issue was included in Israel's first action plan for 2012–2013

(Commitment 6 titled “Public Participation in Policy Making Processes”), but the IRM researchers could not find indications for its implementation and were told by government officials and civil society that the commitment goals were not achieved at that time.³ Additionally, Commitments 8 in Israel’s second action plan (2015–2017) saw the development of online tools for public participation to be used by government agencies.⁴

This current commitment aims to enhance the ability and know-how of government agencies regarding how to incorporate civic participation into decision-making processes. More specifically, it calls for the development of an online platform for public participation, the creation of blueprints for such processes, awareness raising and training of relevant public officials, and the creation of indicators for evaluation of civic participation processes. The commitment is therefore relevant to the OGP values of access to information and civic participation.

While the commitment milestones are not specific, they are verifiable. One can verify whether the online platform is created, the volume of trainings that took place, and the creation of the new methodology and evaluation indicators. The potential impact of the commitment is difficult to discern for two reasons. First, government resolutions regarding the need to promote civic participation have existed since 2008.⁵ Some of the commitment’s milestones represent activities declared several times previously. They were even included in Israel’s previous OGP action plan, as mentioned above.⁶ Second, the milestones provide few details on their scale and scope. For instance, there is no mention of the number of government employees who will undergo training or the number of processes (or percent of all processes) that will include civic participation processes. Due to the overall lack of specificity, the potential impact of the commitment is considered minor.

Next steps

Due to the low potential impact, the IRM researchers do not recommend carrying this commitment forward to the next action plan. However, regarding the broader policy of public participation in decision-making processes, the IRM researchers recommend the following:

- Specific goals should be set for the scope of training for government officials and the number of trainings and number of participants in them should be assessed.
- Develop new commitments regarding public participation that will refer to public debriefing at the end of such processes and marketing efforts to increase public awareness of participation processes.
- Identify one or two specific fields in which verifiable quantitative goals for public participation will be set and then use those as a model.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 13-16

https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² Resolution 4028 of December 25, 2011 titled “Strengthening the governance, planning and implementation abilities of the government”.

³ See Commitment 6 in the Israel IRM Progress report (2012–2013), available at:

<https://www.opengovpartnership.org/documents/israel-irm-progress-report-2012-2013>.

⁴ https://www.opengovpartnership.org/wp-content/uploads/2018/05/Israel_End-Term_Report_2015-2017_EN.pdf

⁵ Resolution 3190 of February 24, 2008 titled “The relationship among the government, civil society and the business sector contributing to the achievement of public goals.”

⁶ Government of Israel Self-Assessment Report on the Action Plan Submitted to the OGP in April 2012, p. 39. Available at: https://www.opengovpartnership.org/sites/default/files/english_ogp_israel%202013.pdf

2. Publicizing reports of implementation of government resolutions

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

“Publishing the data on the implementation of government resolutions that were passed as of the 34th government in a detailed manner, for every operative government resolution. A summary report for 2016 about the detailed performance data of government resolutions in 2015–2016 is available in the following link:

<http://www.pmo.gov.il/policyplanning/mimshal/Documents/mesakem210617.pdf>”

Milestones

2.1 Publication of a summary report about the detailed performance data of government resolutions

2.2 Consulting the civil society about the optimal format of data collection

Start Date: June 2017

End Date: To be performed as of this year and thereafter.

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

Context and Objectives

This commitment aims to continue improving transparency regarding the implementation progress of government resolutions. More specifically, it plans to provide the public with a tool to assess government's success in implementing government resolutions through the publication of a summary report and by consulting civil society in data collection. The government describes this commitment as responding to public demand. While this is not the first time such a report has been published, it has only recently been added to the government's code of conduct.² For many citizens interested in learning about government practice, this is much more comfortable than is researching the implementation of each government resolution separately.

The publication of a report on the implementation status of government resolutions makes it easily verifiable. Regarding the potential impact, this commitment does not offer any new government action toward accountability, as such reports have been published in the past. If fully implemented, this commitment could have a moderate potential impact because it could incentivize government employees to implement decision by knowing they will be publicly accountable. It could also present new data to the public, which the public can then act upon (such as the news media) and could promote civic participation by engaging civil society on the optimal means to present said information.

Next steps

The IRM researchers recommend the continuation of the publication of reports on implementation of government resolutions. However, because such reports have already been published, this commitment should not be included in the action plan.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 17–18
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² Correspondence with Roy Dror, Head of Government Reforms in the PMO, April 7, 2019.

3. Publicizing data on action plan performance indicators

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

“Publicizing the data on monitoring of performance indicators, which are published in the book of government work plans. The data on main performance indicators only, from the book of work plans for 2016, were publicized on the following link:

<http://www.pmo.gov.il/policyplanning/mimshal/Documents/D2016.pdf> “

Milestone

3.1 Publicizing the data on all performance indicators, which were published in the book of work plans for 2017–2018

Start Date: May 2018

End Date: To be carried out as of this year and thereafter

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

Context and Objectives

This commitment plans to make available to the public an online resource assessing the level of implementation of government resolutions according to measurable indicators with numeric values. This complements the information offered to the public under Commitment 2, with the specific aim of reporting on OGP action plan commitments.

Like Commitment 2, the publication of such reports makes this commitment easily verifiable. Regarding the potential impact, this commitment does not offer any new government action towards information, as such reports have been published in the past (such as that linked to in the action plan). Therefore, the potential impact is coded as “none,” as it adds nothing new to the situation prior to the start of the action plan.

Next steps

Like Commitment 2, the IRM researchers recommend not carrying this activity forward to the next action plan.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 19-20
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

4. Setting up a central call center for government ministries

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

“There is a need for a central government response, in which information about the various government services and the various service channels for receiving them will be provided to the public, while encouraging the public to use the self-service channels. The response will be provided in various languages, through a multi-channel response, and will make the service accessible to the handicapped.

The central government telephone response system will provide answers to questions relating to the various government services, such as: providing support for online services, finding information in the various government entities’ websites, providing general information about the various government services (contacting options, operating hours, addresses, procedures for receiving services and more), providing information about processes being implemented with the involvement of a number of government entities.”

Milestone

4.1 Selecting the winner supplier

4.2 Set up

4.3 Operation

Start Date: July 2017

End Date: May 2018

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

Context and Objectives

Government bureaucracy in Israel has been known for years as cumbersome and as having low standards of service.² According to a 2011 report of the State Comptroller, heavy bureaucracy pushes many citizens to use “fixers” in their encounters with government agencies.³ The report also describes how agencies often require citizens to provide them with information they already have or how they are required to scatter between different offices to fulfill their rights to related services. For instance, people with disabilities were required to be examined by different medical committees for different services such as monthly allowance and a handicapped parking permit.⁴

This commitment aims to improve public services to the public by creating one central call center that residents can call to receive information about different services. It continues from Commitment 10 in Israel’s first action plan (2012–2013), which focused on the planning and preparation for the call center, where as the current commitment envisages its launch.⁵ Because the call center could consolidate basic and existing information, such as addresses of government buildings and email addresses of government agencies or service suppliers, the

commitment is relevant to the OGP value of access to information. However, it would not necessarily offer any transparency of the way agencies operate or other information to help the public understand government operations.

The creation of the call center is easily verified. Its potential impact regarding the goal of improving government service to the public is minor. It could save citizens the need to search for relevant information in different sources and could be especially important for senior citizens and citizens with disabilities who have difficulty accessing the information, and do not easily enjoy the relevant information online. However, because the call center will only consolidate basic information, the potential impact is minor.

Next steps

Since the call center is already fully operational and (at phone no. 1299), the IRM researchers do not recommend carrying this commitment forward to future action plans.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 21–22

https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² A 2009 OECD shows that administrative burdens on business start-ups is “a good deal higher than OECD average”. OECD Economic Surveys: Israel 2009, p. 136 (2010). A 90s US State Department study reported, “the extensive red tape involved when dealing with the Israeli government” as one of three main reasons for the low level of foreign investment in the country. Assaf Razin, Efraim Sadka and Henry Kaufman, *The Economy of Modern Israel: Malaise and Promise* p. 220 (1993).

³ 62 annual audit report for the year 2011, Part I, p. 4, [in Hebrew] available at:

https://www.mevaker.gov.il/he/Reports/Report_117/983a254c-f68f-4ec6-b630-a5ef74cdeba7/7513.pdf

⁴ Id., p. 5.

⁵ https://www.opengovpartnership.org/sites/default/files/Israel_Action-Plan_2012-2014_EN.pdf

5. Continuing the development of the National Legislation Database – increasing the transparency of information about primary and secondary legislation

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

“a. Building an interface that will enable the linking of a government draft bill submitted to the Knesset to the first version disseminated as a memorandum of law, and presentation of the information in the National Legislation Database with a page for each law.

b. Building an interface for receiving information about secondary legislation being enacted by virtue of laws of the State of Israel and presenting it in the National Legislation Database, and building a system that enables monitoring of the government’s performance in enacting secondary legislation required by law.

c. Completing the information needed about budget laws for the purpose of including it in the database.

d. Establishing a system to manage the full and updated version of the laws of the State of Israel – the Knesset took it upon itself to prepare and present the full version of the laws of the State of Israel. To this end, comprehensive, in-depth work was performed to collect information, documents, and data and to characterize a designated system that will prepare the full version, in order to start developing it.”

Milestones

5.1 Linking government draft bills that are contained in the National Legislation Database to the memoranda of law that are disseminated by the government, and presenting the information in individual law pages in the National Legislation Database.

5.2 Presentation of secondary legislation being enacted by virtue of laws of the State of Israel in the National Legislation Database.

5.3 Presentation of budget laws – locating and supplementing the information and presenting it in the National Legislation Database.

5.4 Presenting the full and updated version of the laws of the State of Israel, completing the establishment of the system and starting to prepare the full version of the State’s laws and presenting them in the National Legislation Database.

Start Date: January 2017

End Date: December 2019

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

Context and Objectives

This commitment builds on Commitment 7 from Israel's second action plan (2015–2017) but also offers a significant expansion of that commitment. In the past, primary state legislation was available only in print form in public libraries and online via commercial services. Commitment 7 from the previous action plan² largely improved this situation regarding the legislation website in that any citizen with internet access can search and find any piece of Israeli primary legislation on the Knesset website. However, understanding the laws of the country often requires access to the relevant secondary legislation – regulations issued by the executive branch. Like the availability of primary legislation a few years ago, secondary legislation is only available through paid online services (mostly used by lawyers and academics). Some is available on different government agencies' websites but is not regularly updated and is far from comprehensive.

Secondary legislation is often more important than primary legislation, as it defines the criteria and procedures for implementing the primary legislation. For instance, whereas primary legislation provides for government support of CSOs, the criteria a CSO applying for support must meet are detailed in secondary legislation. Other examples can be taken from the fields of health and education. The rights of a patient in the national health system, such as the treatments that should be made available to him or her and the means to appeal a refusal to provide certain medicine are enshrined in secondary legislation. In the school system, numerous regulations and other secondary legislation affect students' and parents' rights, for instance the total sum that schools are allowed to collect from parents for extracurricular activities.

This commitment aims to make that information, immense in its scope, available to the public through the "Legislation Depository" on the Knesset website.³ It also offers to make available draft bills in the National Legislation Database. These draft bills include explanatory comments that can help citizens understand the justifications for various laws enacted. The commitment also specifically targets budget laws (milestone 5.3). While these laws are currently available, the amendments they undergo during the fiscal year are not available.

The commitment is verifiable by surfing the Knesset's National Legislation Database to examine the volume of secondary legislation presented there. If fully implemented, it may transform public access to previously unavailable (or not widely available) pieces of legislation. Access to secondary legislation could significantly help citizens understand the laws of the country, act accordingly, and notice breaches of the law when they occur. It should be mentioned specifically in regard to information about the budget law that this will be a major step forward in the manner in which this information is provided. For years, civil society has demanded that such information be published. As early as 2011, when Israel decided it would join OGP, then-minister Eitan worked together with the Israeli CSO Public Knowledge Workshop to present this information online, but following his retirement, there was no progress until now.

Next steps

The IRM researchers suggest building on these transparency efforts by adding to the legislation website tools that will allow the public to engage in the legislative process by offering their feedback on the proposed bills and interacting with Knesset members regarding their voting for or against the bills.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 23-26
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² Titled "Increasing transparency of information regarding legislation. Israel's second OGP action plan, p. 19, available at: https://www.opengovpartnership.org/sites/default/files/Israel_Action-Plan_2015-2017_EN.pdf.

³ For instance, in the year 2018 alone, the official state registrar issued 222 booklets with secondary legislation, typically consisting of 5 to 15 pieces of secondary legislation each. The total number of secondary legislation pieces published in the first month of 2018 was 134 (according to a query in the "Nevo" commercial legal database).

6. Establishing a reporting and control system on the implementation of the measures in the National Plan for the Reduction of Greenhouse Gas Emissions

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

“The Paris Climate Accord requires countries (that ratified the accord) to set national targets for reducing greenhouse gas emissions and to perform monitoring and control over the implementation of measures to achieve the targets. As a part of Government Resolution No. 542, the government of Israel has set a target for itself to reduce greenhouse gas emissions to 7.7 tons of CO₂e per capita by 2030. In addition, targets were set for efficient energy use, renewable energy and minimizing the usage of private vehicles. In order to achieve those targets, the government has formulated a national action plan (Government Resolution 1403). A system to monitor and control the progress towards achieving this target is currently being established.

The establishment of a system to control and report the progress towards the targets for reducing greenhouse gas emissions (MRV – Measurement, Reporting, and Verification). The system will be based on annual monitoring of the implementation of the measures to reduce greenhouse gases, on procedures for evaluating the quality of the efforts, and on submitting reports to the government and to the UN). Within the scope of this process, the Ministry, together with representatives of an interministerial committee, are formulating methodologies to calculate the reductions and to estimate the improvement in the situation and the progress towards achieving the defined targets. Collecting and analyzing the information will enable the government’s work to be streamlined and changes to be made in the national plan as needed.”

Milestones

6.1 Formulating the system’s infrastructure (monitoring methodologies, data collection tools, database, and models for forecasts and analyses) and obtaining the approval of the government ministries involved.

6.2 Collecting data from the government ministries

6.3 Submitting an annual report to the government

Start Date: January 2016

End Date: June 2018

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

Context and Objectives

The 2015 UN climate summit in Paris yielded an international agreement to fight global climate change.² Israel ratified this agreement in 2016. Consequently, the Ministry of Environment Protection created an inter-agency that is obliged to publish a report by the end of every year, reporting on the implementation of the measures included in the National Plan for the Reduction of Greenhouse Gas Emissions. This commitment is the mechanism to fulfill this reporting obligation.³ Specifically, the submission of the annual report with all the collected information on Israel's progress in implementing the Paris Agreement will provide the public with access to important environmental data. According to "The National Plan for the Implementation of the Paris Accord" from September 2016,⁴ the annual reports will include information on the National Emissions Inventory, implementation indicators, public and private spending as part of the program, and policy analysis and recommendations.

The first two milestones of the commitment are not easily verified, as they are based mostly on internal government affairs. However, the third milestone is more verifiable, which is important because it is the one from which the implementation of the first two commitments can be assessed. The potential impact of the commitment on access to information is assessed as moderate. It falls short of transformative, as it reports on activities the convention already obligated and such that are normally available, according to Israel's FOI law, but without the national aggregate and the comparison to Paris Accord commitments, which are important to better understand the overall situation. Article 6A of the law, as amended in 2005, requires all agencies holding information "substances that were emitted, spilled, disposed or released to the environment and the results of measurements of noise, odors and radiation, not in the private domain" to proactively publish such data on their websites.⁵

However, the publication of the report may contribute significantly to Israel's success in meeting its reporting obligations under the Paris Agreement. It will do so by empowering environmental activists and mobilizing their impact on decision-makers. By having access to such information CSOs will be able to better mobilize public opinion and point out government shortcomings, for instance, in meeting their commitments under the Paris Accord. It will also help them in preparing shadow reports. For non-experts, this information is much more useful than that currently released under the FOI law, as it is given within the context of international requirements and standards and is not so detailed as to overwhelm the lay person with too much data.

Next steps

The IRM researchers recommend that in future publications of annual reports under the Paris Agreement, more thought could be given to presenting the information in a manner more easily understandable to laypersons. It is also recommended to include comparative information with previous reporting periods to demonstrate trends in implementation of the convention.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 27-30
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² The Paris Agreement (2015) available at: https://unfccc.int/sites/default/files/english_paris_agreement.pdf

³ The government of Israel ratified the agreement on Nov. 14, 2016.

⁴ Available at: <http://www.sviva.gov.il/infoservices/reservoirinfo/doclib2/publications/p0801-p0900/p0836.pdf> [in Hebrew]

⁵ Freedom of Information Law, 5758-1998, For an English version of the Law as amended go to:
<http://www.sviva.gov.il/English/Legislation/Documents/Freedom%20of%20Information%20Laws%20and%20Regulations/FreedomOfInformationLaw1988.pdf>.

7. Defining criteria for transparency

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

The use of the term “transparency” has become popular in recent years. Many public authorities and elected officials declare that they identify with the values of transparency and conduct themselves accordingly. However, the term is ambiguous and vague – what makes an authority transparent? How is transparency evaluated? Who needs to be evaluated? These questions have been left unanswered.

Defining the criteria for transparency will set a norm by which public authorities are to conduct themselves. As soon as the norm is set, public authorities will be required to strive to comply with it.

Milestones

7.1 Formulating a work methodology and a procedure for formulating the criteria

7.2 Inviting the public to offer input

7.3 Conference to review public comments and hold discussions by the transparency team

7.4 Formulating a draft for public comments

7.5 Approval of the defined criteria

Start Date: January 2018

End date: December 2018

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

Context and Objectives

According to government officials leading Israel’s OGP process, stakeholders currently hold differing notions of the term “transparency,” and the goals of the unified effort it requires are often unclear or unmeasurable. Government officials in charge of OGP have expressed in meetings with CSOs frustration over the gap in expectations regarding past transparency efforts. For instance, is the proactive publication of any piece of data a worthy transparency effort, or would it be considered “data dumping”?

This commitment aims to create a common definition of transparency for all stakeholders involved in Israel’s OGP process (along with other transparency processes). This definition can create criteria against which the level of transparency of different agencies can be evaluated. A better understanding on behalf of agencies of these expectations may encourage the agencies to move forward more readily with the release of information,

although this would be an indirect outcome of the commitment. In the short term, the commitment offers CSOs an opportunity to engage with the government in reaching an agreed-upon definition of transparency and its goals, which is relevant to civic participation in itself.

It is not difficult to verify activities carried out to implement this commitment and its outputs by reviewing written materials created through the process. The IRM researchers however do not assess its prospected impact as more than minor. This was also the view expressed by interviewed CSO representatives who spoke in the consultation that leading government officials in charge of the OGP in Israel held.² The commitment is mostly academic in nature, and the problem it seeks to solve is not significant enough to in fact impede progress in transparency and open government efforts. Hence the change expected to follow the full implementation of this commitment is minor.

Next steps

The IRM researchers recommend that once the definition is reached, government representatives involved in OGP carry out the suggested outcome of defining transparency and create measurable indicators to grade achievements of different agencies in the transparency field. In addition, this effort should be a one-time effort and not carried further to future action plans.

¹ Government OCT Authority, Open Government Action Plan for 2018 – 2019, pgs. 31-33
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² These views were expressed by Tehilla Shwartz-Altshuler of the Israel Democracy Institute and Nirit Blayer of the Movement for Freedom of Information, both interviewed on Dec 5, 2018 in Tel-Aviv.

8. Promoting Legislative Amendments regarding active publication of information

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

Expanding the public information being methodically and actively published by public authorities, beyond providing information in response to specific requests.

Fulfilling this commitment will involve examining the current situation and the need for amending it, considering the existing arrangements against the latest needs identified by the government. The imposition of a detailed and expanded obligation to disseminate information to the public will promote government transparency and will enable the public, civil society and the business sector to gain access to important information.

Milestone

8.1 Disseminating a memorandum of law concerning expansion of the obligations to make information publicly accessible

8.2 Completing the public discourse and clarifying comments by the public and by authorities to the memorandum of law

8.3 Submitting the draft bill for approval by the ministerial legislation committee

Start Date: June 2017

End date: October 2018

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

Context and Objectives

Israel passed its Freedom of Information law in 1998.² However, in the 20 years since its passing, the law has not been significantly amended despite dramatic conceptual and technological developments in the field. Specifically, the 1998 law has limited requirements for proactive disclosure of information held by public authorities, in other words, spontaneous disclosure on behalf of the public agency without a FOIA request being filed. It does not require such disclosure from public authorities, other than disclosing some environmental information and agencies' internal guidelines according to which their officers carry out their public duties. This creates many "unknown unknowns"; information citizens are unaware of and therefore will never ask for. Previous Israel action plans have included commitments to proactively publish information but not to promote legislation ordering such measures.³

Many bills have been tabled in the Knesset to expand the law's reach, particularly for proactive disclosure,⁴ but most have been opposed by the government. It is therefore important that this commitment aims to voluntarily amend the law by increasing disclosure obligations for government agencies. The IRM researchers learned from CSO experts (mostly the Movement for Freedom of Information and the Public Knowledge Workshop) that the government held specific roundtable sessions with them to discuss this commitment, followed by "one-on-one" meetings with organizations.

Although the milestones for the commitment are vague, they can be easily verified, as they are supposed to produce official papers. The impact of this commitment if fully implemented could be significant. Those CSOs who were consulted during the creation of the action plan felt the discussions with government regarding this commitment were fruitful and that they were listened to. Many data activists affiliated with the Public Knowledge Workshop felt that proactive disclosure may create a host of new opportunities for CSOs and for private sector initiatives. These activists and entrepreneurs are not always aware of the kind of information that public authorities hold. The commitment, if fully implemented, could provide the activists with insights into government processes they may have been previously unaware of and give them the tools to understand these processes. Nevertheless, the commitment itself only mentions the creation of a bill without referring to its content. In that sense, its impact will be limited unless the bill passes the ministerial committee and then the Knesset. In such a scenario, depending on what the exact details of the amendment would be, it may have been transformative.

Next steps

For now, the commitment as presented in the action plan is yet to be implemented, even though its end date has passed. Since Israel went through two general election cycles in 2019 and at the time of the writing of this report a new government is yet to be formed, it is doubtful that more will happen before the action plan is finished. The IRM researchers first and foremost recommend committing to specific future amendments in the law. As no such amendments are expected to take place in 2019 given the general elections, it is suggested that the new government that will emerge could clarify what categories of information it intends to bring under the law and what category of public authorities it will cover. Also, it is recommended to refer to the format of proactive publication.

The IRM researchers further recommend that the law be better harmonized with modern technology to shorten schedules of publication, allow electronic submission to all authorities (already available to government agencies), and to allow access to data in machine-readable digital formats. It is also suggested that some private/public hybrid corporation be brought in under the scope of the law (continuing the line of legislation from the 2007 amendment of the law that brought state-owned enterprises under its purview).

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 34–35

https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² Freedom of Information Law, 1988, English text available at:

<http://www.sviva.gov.il/English/Legislation/Documents/Freedom%20of%20Information%20Law%20and%20Regulations/FreedomOfInformationLaw1988.pdf>.

³ See for instance the commitment in the second Action Plan to increase transparency regarding contracts between the state and private bodies, and a commitment titled "Data.gov" aimed to "increase exposure of government databases for public use".

⁴ Some examples include PB (private bill) 5732/20 to create an FOI commission; PB 5692/20 to order proactive disclosure re meetings with lobbyists; PB 5029/20 proactive disclosure of information re tenders; PB 3818/20 expanding the reach of the law to the Jewish Nation Fund and PB 3483/20 to order publication of information on financial entities. All in all, in the 20th Knesset, which started its term in March 2015 and will end in March 2019, 24 private bills were tabled to expand the scope or impact of the law, none of which became law. One amendment was proposed by the government and did indeed become law, but this was to narrow the scope of the law by removing from its reach the Ministry for Strategic Affairs.

9. Increasing transparency, civic participation and the accessibility of information in local authorities and in the Ministry of the Interior

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

The promotion of civic participation and involvement in the local and regional democracy; improving the accessibility of information and services being provided to residents; improving good governance in the local authorities and encouraging innovation and economic growth in the local authorities

Milestones

9.1 Identifying and mapping the relevant databases

9.2 Improving the data for the purpose of publication

9.3 Beginning to publicize of the Ministry of Interior's databases and making them publicly accessible

Start Date: January 2017

End date: June 2018 and ongoing forward

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

Context and Objectives

Israel's Freedom of Information (FOI) law covers local governments and the central government. However, the central government has been much more active in promoting transparency compared with what local governments have done. The governmental unit for Freedom of Information has authority to direct only central government agencies in their implementation of the law, not local authorities such as municipalities or local and regional councils.

In Israel, most of citizens' regular engagements are with their local municipality, not the central government. For example, when parents want to be involved in the management of their child's school, when residents want information on development plans in their neighborhoods, or when residents ask for better sanitation services, they must engage directly with their municipalities. Therefore, it is equally if not even more important to promote transparency of information held by local governments.

It would be easy to verify this commitment's full implementation once the databases mentioned in milestone 9.3 have been published. It should be noted that while the title of the commitment refers to local authorities, the milestones only mention initial publication of information held by the Ministry of Interior. However, as mentioned above, the potential improvements to access to information will be achieved only if there is substantial progress

in regard to transparency at the local level. Should implementation be limited to the Ministry of Interior, much of this potential impact will be lost, and the contribution of the commitment to access to information will be limited. However, if implemented among local governments and the Ministry of Interior, this commitment could generate wider changes in local government that may promote more transparency in general.

Next steps

At the time of the writing of this report, the declared end date for implementation has passed, and the commitment is yet to show signs of progress. Therefore, the IRM researchers recommend implementing the commitment as soon as possible to avoid further delays.

Moving forward, the IRM researchers also recommend publishing the list of databases that are expected to be published and to collect information from the public and CSOs as to what kind of local information is most important to them. Another important next step would be to grant the Government Unit for Freedom of Information authority over local government to encourage information officers in such authorities to be more proactive and more effectively implement the law.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 37–38
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

10. Making databases publicly accessible

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

With the objectives of encouraging the assimilation of innovation in the public sector and in public services, of promoting a policy of Open Government, and of encouraging the use, reprocessing and development of government information by the public and for public benefit, the Israeli government is committed to making all government databases publicly accessible, provided that their publication does not contain identifiable information, and provided that there is no obstacle to their publication by law or due to additional relevant considerations, and while taking into account privacy protection of personal information, information security, etc. Today, a great deal of government information is being publicized, but in different formats and on diverse websites. Other government information has not yet been publicized. In order to promote transparency and accountability to the public, the commitment changes the default – all of the government databases need to be open, apart from instances when there is a legal obstacle to doing so. The government undertakes to publish the databases on a central website (data.gov.il), in formats enabling free downloading and processing, under an open usage license.

The commitment includes the following steps:

- Mapping of all government databases
- Making all databases publicly accessible by 2022
- Annual plans for making databases publicly accessible 39
- Annual report of the implementation of making databases publicly accessible
- Processes of consulting with the public
- Formulating a policy about public entities making databases public accessible
- Creating a performance indicator for implementation of the resolution.

Milestones

- 10.1 Mapping all the databases in government ministries and support units*
- 10.2 Submitting a multiyear plan for making all databases publicly accessible by 2022* (at least 80% of government ministries and units have submitted multi-year work plans for making all databases publicly accessible)
- 10.3 Publishing work plans for public comments
- 10.4 Adjusting work plans according to the public comments
- 10.5 Allocating resources to government ministries to encourage accessibility*
- 10.6 Publishing an annual report about those databases that were made publicly accessible during the past year on data.gov.il and a report on usage of the databases*
- 10.7 Creating a performance indicator for implementing the resolution, including reference to standards for open information and to the quality of the databases
- 10.8 Creating a mechanism enabling citizens to provide feedback on the databases and to request new databases with an SLA
- 10.9 Defining an anonymization/privacy protection policy when making databases publicly accessible
- 10.10 Preparing a background document for formulating a policy about public entities making databases publicly accessible
- 10.11 Formulating a policy document on the subject of public entities making databases publicly accessible

* As per Government Resolution No. 1933 of 30.8.2016.

Start Date: January 2017

End date: June 2019

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

Context and Objectives

Data.gov websites have been a hallmark of the information and transparency revolution in several countries. Israel launched data.gov.il in May 2012, but the use of the website and the volume of databases presented in it remained limited. This was partly due to lack of enthusiasm among the ministries to open up their databases and also due to technical problems.² In August 2016, the government adopted a more ambitious resolution committing to open up all government databases that do not raise privacy, national security, or similar concerns.³ This program also included for the first time a commitment to allocate budgeting for ministries to help them carry out this effort.

This commitment primarily aims to implement this 2016 resolution. Most of its milestones (mapping, planning, allocating resources, creating indicators, defining policies, etc.) are preparatory steps that are required (according to the commitment framers) to implement the government resolution. In the course of preparing to publicize the databases, public participation components are included, such as receiving public comments and adjusting the program accordingly (milestones 10.3 and 10.4) and creating tools for citizen feedback (milestone 10.8).

The goal of this commitment is easily verifiable by examining the databases that will be presented to the public. Some of the milestones are less verifiable (such as “adjusting work plans” or “creating a mechanism to . . .”) However, this is not a major limitation, as some of these milestones do not present major stages in this project’s implementation.

It should be noted that this commitment, as written, does not commit the government to a certain format that would facilitate easier and more widespread use of these databases. As mentioned above, it focuses on the activities surrounding the core of a data website. Nevertheless, it does address two major obstacles to full and proactive disclosure of large amounts of information—allocating budget to create a sophisticated, easily searchable, and navigable site along with providing the means to deal with privacy concerns. If it will indeed create solutions in these two fields, to allow large-scale publications to follow, it could have a moderate impact on improving access to information.

Next steps

Moving forward, the IRM researchers recommend setting more specific objectives, such as providing the number of databases to be released each year until the goal of full disclosure is achieved and the databases’ formats. It is also recommended that the government consider creating tools to help citizens understand different databases and how to utilize them.

¹ Government OCT Authority, Open Government Action Plan for 2018 – 2019, pgs. 38-42
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² MK Michael Eitan, who was at the time the Minister for Improvement of Government Services to the Public said in an interview in 2012, “I had to beg, cuddle, hug, shout for the to get this moving... we’re calling all the ministries to convince them to add datasets. Slowly, slowly, it’s growing. The site should reach thousands of databases. Seventy-something is a joke... It’s unbelievable how much effort needs to go into something that can flow and has enormous economical importance.” Omer Kabir, “Developers: Lack of Government Information Prevents Development of Applications,” Kabirism blog, available at: <http://kabarism.com/?p=592> [in Hebrew]. See also p.21 of the End-of-Term report for Israel’s second action plan regarding a similar commitment: https://www.opengovpartnership.org/sites/default/files/Israel_End-Term_Report_2015-2017_EN.pdf.

³ Government resolution 1933 of Aug 30, 2016. Available at: https://www.gov.il/he/departments/policies/2016_dec1933 [in Hebrew]

11. Promoting services identified with the objective of remotely accessing government services

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

Within the scope of this commitment, a safe integrated identification system will be developed that will enable remote access to government services through smart identification and at various authentication levels. The system will enable citizens to consume services through online applications that will be centralized in a personal zone on the integrated government website and on government websites. As part of implementing this policy, the use of the beta system will continue and be expanded, which has been operating since December 2016, to the implementation of an online change of address. Additionally, a pilot will be launched during 2018 in conjunction with the Courts Administration, which will enable citizens and attorneys to remotely access the court.net system, easily and at no cost (currently, the system is only accessible with a smart card with a level 4 authentication level, and payment is required in order to access it. The smart card is purchased from an external supplier – the new identity card will enable this kind of identification without payment for the card)

Milestones

11.1 Engagement with the winner supplier

11.2 System establishment Phase 1

11.3 System establishment Phase 2

Start Date: February 2018

End date: December 2019

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

Context and Objectives

This commitment is largely a continuation of Commitment 8 of Israel's first OGP action plan (2012–2013). The commitment in the first action plan stated that the identification system would allow citizens to remotely access government services and documents that require in-person visits to government offices, such as obtaining court files and filing official documents. This current commitment seeks to continue this policy area by identifying individuals wishing to access government services remotely. However, this goal is not related to open government. More specifically, it calls for developing an integrated identification system that will enable remote access to government services through smart identification.

The first milestone, “engaging with the winning supplier,” is easy to verify. Later stages, less so. The next two milestones are only stated as “System establishment – Phase 1” and “Phase 2.” In regard to the description of the commitment, the stages of implementation are better

defined, as they add a pilot activity with the courts' administration and the establishment of the required technological system.

As stated, this commitment is not directly relevant to OGP values. While the commitment might be a worthwhile effort by the government to improve the level of service to citizens, it does not present new information to them or allow them to engage in any way in the democratic process or promote accountability or transparency. Furthermore, though this commitment may be related to important privacy concerns when providing government services to individuals, the notion of open government refers first and foremost to information that should be available to all, regardless of anyone's identity.

Next steps

The IRM researchers do not recommend carrying this commitment forward to future action plans.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 43–45
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

12. Paperless government

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

“Within the scope of Government Resolution 1008, the decision was made to provide an online communications channel for the public’s use, for the purpose of communicating with government ministries. As part of this course of action, the commitment will include the establishment of a digital communications channel through a personal e-mail address – at the citizen’s decision and according to his choice, which will serve as an official e-mail address for all government ministries and, in the future, it will be possible to expand this arrangement also to additional public bodies, subject to any law. In order to implement this policy, the government will establish a central database of e-mail addresses, which the ministries will use to make contact with citizens who will opt to communicate with the government via this channel, and will also enable government ministries to send communications to these addresses for the purposes of reminders and initiating contact, subject to the citizen’s consent. Concurrently, a communications channel will be developed for sending text messages or voice messages to citizens, while using the citizen’s mobile phone number, and also in this instance, this process will be implemented solely with the approval and consent of the citizen.”

Milestones

12.1 Collecting half a million addresses (subject to the receipt of legal approval of this course of action)

12.2 Linking of at least two ministries

12.3 Sending acquisitions

12.4 Pilot dispatch to e-mail addresses

12.5 Analyzing the results and decision-making about continuation of the process

Start Date: January 2018

End date: September 2018

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

Context and Objectives

Currently, communication between citizens and government agencies in Israel are often inefficient and time consuming. Many agencies will only correspond with citizens via postal mail or fax machines (which few citizens have regular access to). These channels of communication also have a negative effect on the environment. To change this reality, the government had adopted resolution 1008,² which this commitment seeks to implement.

This commitment is not directly relevant to OGP values. The government claims that implementing it will “promote . . . objectives such as – improving the service and reducing the bureaucratic burden imposed on citizens and businesses” and help streamline the work processes for government bodies and save time, money, and paper. While these are all worthwhile objectives, their connection to OGP values is unclear.

The nature of the commitment (the collection of emails from citizens, dispatching to them, etc.) implies that it is more focused on making citizens accessible to the government rather than the other way around. This might prove to be a useful step in streamlining bi-directional communications between government and citizens (for instance, sending official notices through email), but it is not required to support citizens’ access to government. This commitment (like Commitment 11) was not discussed with CSOs during the action plan development process.

The various milestones under this commitment are mostly verifiable. The government should be able to report on its success/failure to collect the required emails along with the legal objections, if any, within the government. However, the commitment’s overall potential impact is low. Under some scenarios, the channels of communications that will be opened between citizens and government could theoretically be used to support public participation in government processes and to share information. However, while this commitment could potentially improve the government’s plan of going “paperless,” its potential to open government in practice is low due to its internal nature.

Next steps

The IRM researchers recommend not including this commitment in future action plans. Moving forward, however, the IRM researchers recommend finding ways in which the database of emails can be used not to merely improve communication between government and citizens and access to services but also to open channels for consultation and engagement processes in offline and online settings.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 43–45

https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² Government resolution 1008 of January 17, 2016. Available at:

https://www.gov.il/he/Departments/policies/2016_dec1008 [in Hebrew]

13. Open-source code

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

“The Government ICT Authority will promote and take action to implement a policy for making open-source code used by government ministries publicly accessible, in order to return it to the community of developers and to enable its use and further development. The policy will also promote the release of code that was developed in the government ministries and that fulfills criteria for publication, even when open-source code was used that does not require this.”

Milestones

13.1 Publishing the Government ICT Authority’s directive for the adoption, use and return of open-source code

13.2 Publishing a policy document for government open-source code

Start Date: March 2018

End date: March 2018

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

Context and Objectives

The government of Israel is one of the major users and creators of software and applications in the country and has a major influence on the computer services landscape in the country.² When the government uses and creates closed-source code, it prevents the large community of programmers and code writers in Israel from accessing its own code and generating new innovative and creative applications that build on government code.³ This commitment, therefore, aims to make the open-source code used by government ministries publicly accessible, which could significantly increase the use of software in general and information software in particular. Israel’s open-source community is known to develop effective public services and has the ability to extract new potential from existing code and information it processes. The milestones are easily verifiable by obtaining the documents they are meant to produce.⁴

While the potential of the policy approach in this commitment is significant, the scope of this commitment is still limited. It calls for creating internal guidelines for public agencies regarding the code they develop and how to make it accessible to other programmers, along with the code they use that other sources have written. The commitment does not in itself assure the implementation of these guidelines by public authorities, but it is a major and promising step in that direction considering that instructions by the ICT to other government agencies are binding. If fully implemented, the regular use of open code source could very well be transformative. The current copyrighted software the government uses

makes it difficult for non-government users, so once the software used by government is open source, programmers will have new opportunities to make use of it and add their own ideas to it. The impact of the commitment, however, will only be assessable over the long term, when companies and developers begin to pick up code created or used by the government and make new and better use of it.

Next steps

The IRM researchers recommend carrying this commitment forward to future action plans as there is still room for improvement regarding government open source code. Some activities already carried out by the ICT could fit into future action plans. These include hackathons to bring together developers to find innovative ways to use government code and continued implementation of the ICT directives in other government agencies that use and produce code along with holding contests for the creation of new code and apps using government code.

The IRM researchers also recommend engaging with more communities of developers (in addition to the Public Knowledge Workshop, who are highly active in this field) to learn what would help them better utilize government code and how to make this technical discussion positively influence the public at large.

¹ Government OCT Authority, Open Government Action Plan for 2018 – 2019, pgs. 49-51

https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

² A 2014 report by the Knesset Information Office cites Treasury officials as estimating the government annual computation expenses excluding the security agencies at 2 billion NIS (approx.. 500 Million USD). The Knesset Research and Information Center, Use of Open Source Systems in Government Ministries (Roy Goldschmidt, researcher), October 2014. Available at: <https://bit.ly/2JoXBPM> [in Hebrew]

³ https://www.gov.il/BlobFolder/generalpage/strategic_plan_19/en/STRATIGY-%20ICT%20AUTHORITY%20-%20ENGLISH.pdf

P. 9-12.

⁴ See both documents here (in Hebrew): <https://www.gov.il/he/Departments/publications/reports/openc>.

14. Building a system of evaluation of the strategic plan for Open Government

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

“Considering the insights produced from the public consultation process, the Government ICT Authority will take action to formulate outcome indices for Open Government in Israel. As part of this, the Authority will ascertain what the desirable outcomes are of Open Government processes that the Authority intends to evaluate, and subsequently, will formulate a methodology for evaluating the outcomes, so that it will be possible to understand the level of government effectiveness in achieving the objectives of Open Government and what courses of action should be adopted in order to achieve these objectives.”

Within the scope of this commitment, outcome indices will be defined, and an evaluation methodology will be formulated, while mapping the evaluation challenges, identifying and recruiting the partners needed for the process and creating arenas for learning from international sources and from experts.

Milestones

14.1 Decision about the selected indicators

14.2 Formulating an evaluation methodology

14.3 Integration in the 2019 work plans

Start Date: January 2018

End date: December 2018

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

Context and Objectives

The one-day consultation to develop Israel's third action plan (2017–2019) involved discussions within the MSF on how to measure open government and its impact on the public. This question of measurement raises concerns in the government, as the current administrative management approach emphasizes objective quantifiable indicators to assess the outcome of any government action. Therefore, with this commitment, the ICT Authority seeks to develop a methodology for evaluating the outcomes of open government policies and reforms in Israel.

Although this commitment involves the discussion of open government principles, it is not directly related to OGP value because it is largely an inner-governmental affair with little direct bearing on the public. Although the development of an evaluation methodology for

open government outcomes could serve as a complementary measure to open government reports (self-assessment and IRM reports) and is not necessary to include as a separate commitment in the action plan itself.

The commitment, in the limited ends of its first two milestones, is verifiable. Should the government produce indicators and the methodology to assess OGP commitments, those should be presented in proper documentation and allow interested parties to review them for verification. The third milestone, and probably the most important, is much vaguer. It is unclear into which working plans this methodology would be integrated, what this integration would look like, and who would carry out the integration. For example, it is unclear whether the methodology will be used to grade the implementation and impact of the different commitments and if the ICT will assess other agencies involved in OGP using this methodology.

Next steps

While this commitment is not a necessary component of an OGP action plan itself, government agencies in Israel place great significance on the how to evaluate open government and that open government measurements comply with the government mode of operation in other fields. As such, the IRM researchers recommend continuing it but not as a commitment in future parts of OGP action plans.

This commitment also emphasizes that there might be other government agencies better placed to lead the OGP process in Israel than the ICT authority. The professional knowledge required to develop an open government impact assessment does not necessarily lie with the ICT (even considering some people more related to the field have joined it). The IRM researchers recommend that this commitment (if not the action plan altogether) be led by a different section of the Prime Minister's Office. This office is indeed the most experienced in this kind of methodological work, as it runs evaluations of ministries' annual actions plans. It is also best situated to make other ministries take their evaluations seriously. However other departments not focused on the technological aspects of OGP, for instance, the Governance and Society Department, may be better suited to coordinate the OGP process in Israel.

The IRM researchers also recommend that a list of indicators be created together by government experts and civil society organizations. Indeed, this process is based on CSO input more than others, thanks to the online consultation that took place following the consultation day, but there is much more to be discussed around this topic.

¹ Government OCT Authority, Open Government Action Plan for 2018–2019, pgs. 52-55
https://www.opengovpartnership.org/wp-content/uploads/2018/01/Israel_Action-Plan_2017-2019_EN.pdf

V. General Recommendations

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

5.1 IRM Recommendations

Despite incremental improvements compared with the previous action plan, Israel's third plan saw few consultation opportunities for stakeholders during co-creation, and the final commitments are mostly limited in ambition. Therefore, the IRM researchers recommend that significant changes be made to future co-creation processes along with OGP coordination and action plan composition.

Co-creation process:

- The IRM researchers recommend starting the co-creation process for the fourth action plan, expected to launch in late 2019, immediately.
- To seek high-level political support. The fact that, for several years, no government minister has been in charge of OGP might signal to government and non-government stakeholders that OGP is not a high priority in the country. In the last five years, no government minister and no government ministry director-general have participated in any of the global OGP conferences. It is important to remember that the prime minister himself approached then-US President Barack Obama suggesting Israel join OGP in 2011. Israeli participation in OGP remains promising, but it is clear that the political establishment has since lost some interest in the process. The political backing is a major indicator to government officials on how seriously OGP-related decisions are to be taken.
- While there seems to be more awareness among government officials about the importance of this process, the pace of improvement is too slow, and the development process is unbecoming of a third action plan. Therefore, the IRM researchers recommend conducting at least three consultation meetings for the multi-stakeholder forum and providing reasoned response to participants. One meeting could be dedicated to an open discussion on issues that need to be addressed in the fourth action plan, one to present specific ideas and discuss them, and one to present a draft of the action plan and collect responses. In between these gatherings, meetings with specific organizations interested in specific actions and their governmental counterparts should take place. Furthermore, it is recommended that the government provide formal responses (preferably documented in writing and in available on the national OGP website) to participants who submit commitment proposals. As mentioned in Section III of this report, providing these responses to participants is necessary for Israel to meet the "involve" threshold based on OGP's new participation requirements and to avoid acting contrary to OGP process.

Action plan coordination and composition:

- Consider bringing in other agencies from the Prime Minister (PM)'s Office to coordination and leadership roles in the OGP effort. The PM's Office is best situated to encourage other ministries to carry out their roles in the various commitments. It is the only ministry with an overall view of the public sector and with the know-how to carry out large programs integrating different agencies. The PM's Office also has the experience and authority to follow up on the implementation of government programs, which is an important quality to lead a program such as the OGP action plan. Within the PM's Office, the most appropriate section for this task could be the

Governance and Society division. Another possible lead agency for OGP could be the Freedom of Information Unit in the Ministry of Justice. The unit has the professional knowledge and the proper ethos to fill this task, but its ability to mobilize other government agencies is not as strong as that of the PM's Office.

- Consider in detail whether future commitments will lead to changes in government practice along core OGP values of access to information, civic participation, and public accountability. Several commitments in the third action plan either lack direct relevance to OGP values or are only nominally relevant to them. Future commitments should be defined in a way that explicitly describes how the planned activities will improve government practice around OGP values.
- Include more ambitious and more specific goals in the commitments in general and improve and update the FOI law in particular.
 - While Israel's FOI Law was a major achievement when it was enacted 20 years ago, most attempts to amend it have failed, and the law is now outdated. For example, an important amendment would be the creation of an independent information commissioner that can enforce publication of information withheld by public authorities.
 - Other OGP values in need of more ambitious commitments include civic participation, where much can be done to give more weight and incentive to public engagement. Regular reports on public input and how it influenced decisions in the public authority is one example.
 - The inclusion of sanctions against government officials withholding information unnecessarily or not following guidelines (that need to be published) on public consultation processes are also possible paths to consider.

These are just examples that could more broadly depart from the current "business-as-usual" approach that is projected in many of the existing commitments.

Table 5.1: Five Key Recommendations

1	Seek high-level political support (after formation of the new government) to oversee the OGP process
2	Conduct at least three consultation meetings for the multi-stakeholder forum and provide reasoned response to participants
3	Consider other government agencies, such as the Governance and Society division, to lead and coordinate the OGP process
4	Consider in detail whether future commitments will lead to changes in government practice along the core OGP values of access to information, civic participation, and public accountability.
5	Have more ambitious and specific goals in future commitments in general and improve the FOI law in particular

5.2 Response to Previous IRM Key Recommendations

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
I	Bolster the Prime Minister's new-found office leadership in OGP to strengthen the mandate of	×	✓

	the government's chief information officer in the role of coordination and implementation of OGP initiatives.		
2	Expand the scope of engagement by Israel's CSOs to include organizations and individuals who do not work with the government in OGP-related activities.	×	×
3	Commit to the creation of an independent Open Government mechanism outside the government, such as an information commissioner with powers to regulate government activities related to increasing government transparency.	×	×
4	Ensure future commitments target specific social, political, economic, or environmental problems instead of amorphous approaches to the development of guidelines for participation and databases.	×	×
5	Move civic participation commitments beyond planning and creating guidelines to the actual institutionalization of government and civil society dialogue in public policy.	×	✓

The IRM researchers' recommendations from the IRM Progress Report for the second action plan (2015–2017) were presented in the parliament's "access to information" committee, but the findings were largely rejected by government representatives (though adopted by the committee chair). The government did not publish a self-assessment report for the third action plan and thus did not specifically reply to these recommendations. It is clear from discussions with officials involved in the preparation of the third action plan that it was a last-minute process that did not leave much time or opportunity for an orderly process, for public consultation (as described above) and for properly addressing recommendations in the previous IRM report.

In regard to two recommendations, we can see some implementation, albeit modest – the position of OGP contact in the Chief Technology Officer's office has been formalized and expanded from a part-time student position to a regular full-time position (See recommendation I above). In respect to civic participation, Commitment I to the current action plan seems to follow its logic, and if properly implemented, it will contribute to some change in this regard.

VI. Methodology and Sources

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

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

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

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

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

Interviews and stakeholder input

For the purpose of this report, the IRM researchers interviewed over the phone contacts in different government agencies and CSOs. The interviewee list was based on the multi-stakeholder forum members' list and on agencies in charge of specific action plan commitments and CSOs mentioned as partners in certain commitments.

- IRM researcher Roy Peled participated as an observer in the MSF consultation day in Newe-Ilan, 12 July 2017.
IRM researcher Roy Peled participated as an observer in the MSF subcommittee in transparency, Ministry of Justice, Jerusalem, 7 September 2017.
- IRM researcher Roy Peled interviewed Adv. Rivki Dvash, head of FOI unit in Justice Ministry, in Jerusalem, 15 August 2018.
- IRM researchers Roy Peled and Guy Dayan met with Shevy Kirzon, Director of Public Knowledge Workshop Tel-Aviv, 4 November 2018.
- IRM researchers Roy Peled and Guy Dayan met with Eran Ben-Yemini, Director of Haim U-Sviva (environmental CSO), Tel Aviv, 4 November 2018
- IRM researchers Roy Peled and Guy Dayan met with Adv. Or Sadan of the Movement for Freedom of Information Tel Aviv, 11 Nov 2018.
- IRM researcher Guy Dayan met with Adv. Nirit Blayer, Director of the Movement for Freedom of Information, Tel Aviv, 15 November 2018.
- IRM researcher Guy Dayan phone interviewed Dr. Tehilla Shwartz-Altschuler, Israel Democracy Institute, 15 November 2018.
- IRM researcher Guy Dayan phone interviewed Mary Loitzker of the Public Knowledge Workshop, Israel Democracy Institute, 15 November 2018.
- A session with several government officials was planned for November 18 at the ICT, Jerusalem and had to be canceled by IRM researcher Roy Peled. It was then replaced with a series of phone interviews.

- A phone interview was held with Ravit Koren-Zilberfarb of ICT on 15 November 2018.
- Two more interviews were held with Rachel Ran, former OGP point of contact for Israel, by Guy Dayan on 18 November and by Roy Peled on 27 November 2018.

About the Independent Reporting Mechanism

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

The current membership of the International Experts Panel is as follows:

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

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

¹ Available at: https://www.gov.il/he/departments/general/open_government_partnership

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

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

Key:

Green = Meets standard

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

Red = No evidence of action

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

Key:

Green = Meets standard

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

Red = No evidence of action

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

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