

# Independent Reporting Mechanism (IRM): Slovakia Implementation Report 2017–2019

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## Executive Summary: Slovakia

Slovakia's third action plan included commitments on open data, open education and research, participatory policymaking, and transparency measures in the justice sector. While the action plan saw high levels of completion, most of the commitments resulted in minor technical advancements. However, major improvements were seen in judicial transparency, and awareness of whistleblower protection legislation, among other areas.

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. Slovakia joined OGP in 2011. Since, Slovakia has implemented three action plans. This report evaluates the implementation of Slovakia's third action plan.

### General overview of action plan

Approximately two-thirds of the commitments in Slovakia's third action plan (46 of 68) were either substantially or fully completed by the end of the implementation period. This completion rate represented an increase compared to the results of the previous action plan (2015-2017).

While most of the commitments in Slovakia's third action plan represented minor technical reforms, some achieved major results. For example, Commitment 53 led to the publication of more detailed evaluations of judges' performances by the Ministry of Justice, and Commitment 57 improved transparency in the selection procedure of judges. Additionally, activities under Commitment 62 have increased public awareness of Slovakia's Whistleblower Protection Act and the creation of a new public agency dedicated to whistleblower protection.

#### Table I. At a glance

Participating since: 2011  
Action plan under review: 3  
Report type: Implementation  
Number of commitments: 68

#### Action plan development

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

#### Action plan design

Commitments relevant to OGP values: 62 (91%)  
Transformative commitments: 1 (1%)  
Potentially starred: 1 (1%)

#### Action plan implementation

Starred commitments: 0  
Completed commitments: 30 (44%)  
Commitments with Major DIOG\*: 7 (10%)  
Commitments with Outstanding DIOG\*: 0  
Level of public influence: Involve  
Acted contrary to OGP process: No

\*DIOG: Did it Open Governmt?



**Table 2. Noteworthy commitments**

<b>Commitment description</b>	<b>Status at the end of implementation cycle.</b>
<b>53. Improved publication of assessments of judges</b>	This commitment resulted in the publication of assessments of judges, which compared to previously available evaluations, provide more detailed information about judges' performances. These evaluations can provide anti-corruption CSOs and investigative journalists with useful information to uncover potential corruption in the judiciary.
<b>57. Draft legislation to make selection of judges and judicial staff more transparent</b>	This commitment saw the adoption of amendments to the Act on Judges and Assessors which standardized the selection process for judges and significantly increased the transparency of this process. The new transparency measures have been highly useful in helping to detect potential corruption in the judiciary. These measures could be extended to other judicial staff as well.
<b>62. Raise public awareness for the Whistleblower Protection Act</b>	The Office of the Plenipotentiary and civil society organizations conducted various activities to raise public awareness of the 2015 Whistleblower Protection Act. Additionally, new legislation was introduced establishing a public agency for whistleblower protection, transparent election of its head, and the possibility to appeal if protection is not granted. However, by the end of the action plan period, the head of the new agency had not yet been appointed.
<b>63. Analyze and evaluate public participation in the drafting and commenting on draft legislation</b>	Under this commitment, the Office of the Plenipotentiary and the Ministry of Justice monitored preliminary information and reports on public participation for six months in 2016. The findings from the analyses have already shed light on where government agencies should improve their practices in publishing preliminary information and reports on public participation.

### **Five Key IRM Recommendations**

The IRM key recommendations are prepared in the IRM Design Report. They aim to inform the development of the next action plan and guide implementation of the current action plan. In Slovakia's 2017-2019 Design Report, the IRM recommended the following:

Establish the formal multi-stakeholder forum with participation of both public servants and civil society.
Include more targeted and ambitious commitments in the next action plan.
Ensure the proposed commitments are co-created with public agencies in charge of their implementation.
Concentrate efforts on existing platforms and initiatives and avoid duplication.
Focus on improvement of key transparency tools, including improving the Freedom of Information Act but mainly its application practice.

## ABOUT THE AUTHOR

**Mária Žuffová** is a PhD Candidate in Politics at the University of Strathclyde, Glasgow. Her research includes freedom of information and open data, and their use by journalists.

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



## I. Introduction

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

The Independent Reporting Mechanism of OGP has partnered with Mária Žuffová, who carried out this evaluation. The IRM aims to inform ongoing dialogue around the 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>. This report covers the implementation of Slovakia's third action plan for 2017-2019.

As outlined in the IRM Design Report,<sup>1</sup> Slovakia's third OGP action plan contains 68 commitments, mainly of technical nature. Similar to the previous action plan, it focused on four key themes: open data, API and software; open education and research; participatory policymaking; and open judiciary and prosecutors. The action plan does not fully capture potentially transformative anti-corruption initiatives that were realized during the implementation cycle, such as the launch of the beneficial ownership register.<sup>2</sup>

The action plan was implemented in a complex political situation, marked by the resignation of the prime minister and unprecedented public protests<sup>3</sup> following the murder of a journalist who investigated political corruption. As a consequence, Slovakia recorded a significant year-to-year drop in the World Press Freedom Index.<sup>4</sup> Revelations from the leaked communication between the person accused of ordering the journalist's murder,<sup>5</sup> and his alleged collaborators, suggested corruption in the judiciary and prosecutors linked to high-level politicians.<sup>6</sup>

Prosecution of grand corruption cases continues to be rare in Slovakia,<sup>7</sup> which in part translated into the country's significant year-to-year drop in the Transparency International's Corruption Perception Index.<sup>8</sup> CSO representatives interviewed for this report perceived corruption as pervasive and as a major problem in society both at national and regional levels.<sup>9</sup> They argued that the reform of police forces, prosecutors, and the judiciary is needed to address it.<sup>10</sup> At the same time, they agreed that civil society had been demanding greater political accountability and a thorough investigation of corruption scandals.<sup>11</sup> The election of Zuzana Čaputová, an anti-corruption lawyer and environmental campaigner, as President in March 2019 reflected the growing support for greater political accountability.

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<sup>1</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section I - Open data: Analysis, law, and training.

<sup>2</sup> Ministry of Justice, Beneficial ownership register, <https://rpvs.gov.sk/rpvs> (in Slovak); Open Government Partnership, Finding the real beneficiary, <http://bit.ly/35rj4y4>; Sme.sk, "Žitňanská: Koalícia pod Pellegrinim už nemá ambície" (Žitňanská: The coalition led by Pellegrini does not have ambitions anymore), <http://bit.ly/2VdAGZt> (in Slovak).

<sup>3</sup> BBC, Slovakia protests: 65,000 join Bratislava anti-government protests, <https://bbc.in/2EmTqPS>; The Guardian, Shaun Walker, Slovakia: thousands protest against business-as-usual under new leaders, <http://bit.ly/2S1FnmY>

<sup>4</sup> Reporters Without Borders, 2019 World Press Freedom Index: Slovakia, <https://rsf.org/en/slovakia>

<sup>5</sup> The Slovak Spectator, Marian Kočner has been charged in the case of Kuciak's murder, <http://bit.ly/2og9jCl>

<sup>6</sup> The Slovak Spectator, Threema saga: Bödör allegedly served as a liaison between Kočner and the special prosecutor, <http://bit.ly/2nxCNeu>; Tóth: Special Prosecutor shared information with controversial businessman, <http://bit.ly/2nxCTmm>

<sup>7</sup> Transparency International Slovakia, Napriek zlepšeniu veľké ryby “stále nechytáme“ (Despite improvements we still do not catch ‘big fish’), <http://bit.ly/2Tcb7d0> (in Slovak)

<sup>8</sup> Transparency International, Corruption Perception Index, <https://www.transparency.org/cpi2018>

<sup>9</sup> Interview with Jakub Kratochvíl (For Decent Slovakia), 23 August 2019, Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019, and Štefan Jančo (Ekopolis Foundation), 19 September 2019.

<sup>10</sup> Interview with Jakub Kratochvíl (For Decent Slovakia), 23 August 2019, and Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019.

<sup>11</sup> Interview with Jakub Kratochvíl (For Decent Slovakia), 23 August 2019, Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019, and Štefan Jančo (Ekopolis Foundation), 19 September 2019.

## II. Action Plan Implementation

The IRM Implementation Report assesses “Completion” and “Did it Open Government?”. These two indicators are based on each of the commitment’s implementation progress at the end of the action plan cycle. This report does not re-visit assessments for “Verifiability”, “Relevance” or “Potential Impact”. The former are indicators assessed in IRM Design Reports. For more details on each of the indicators please see Annex II in this report.

### 2.1 Overview

Slovakia’s third action plan has 68 commitments. By the end of the action plan period (November 2019), roughly two-thirds of the commitments (46 of 68) were substantially or entirely completed. Compared to the previous implementation cycle (2015-2017), this is a sizable point increase in the completion rate.<sup>1</sup> Experience from the current and past action plans suggests that progress in implementation is often influenced in part by the following factors:

- The implementing agency’s high-level management, including the frequency of changes in high-level personnel;
- An implementing agency’s in-depth knowledge of the topic or lack thereof;
- The quality of inter-agency collaboration and the breadth and depth of participation and collaboration with civil society during the commitment’s implementation. For example, some of the previous ambitious reforms failed despite excellent collaboration between civil society and the public agency in charge, because once these reforms reached the stage when other agencies were expected to provide comments, they watered the reforms down;
- A sense of ownership or its absence by both civil society and public agencies. This was perhaps most visible in the area of open education. In Slovakia, there are no major CSOs with a clear and exclusive focus on open education. As a result, there is limited grassroots initiative to advance this issue. In such situations, if the agency’s ownership of the topic is equally missing, progress is unlikely to happen.

A current test version of the repository for educational resources (Commitment 25) serves as an example. Since the start of the project, the Ministry of Education, Science, Research and Sport, a leading agency for this commitment, has had three different ministers. Frequent changes resulted in delays and refusals to take accountability for past decisions. The Ministry also excluded or minimally engaged civil society and teachers in essential phases of the repository’s development. The outcomes suggest a lack of in-depth knowledge of what constitutes an open educational resource, and a lack of ownership of the topic by the Ministry.

In terms of opening government, only a few commitments contributed to a major or outstanding increase in access to information, opportunities for civic engagement, or improving government accountability. For instance, the amendment of the Act on Judges and Assessors brought more transparency into the selection procedures of judges and their evaluations. However, most commitments represented minor, administrative reforms, and thus did not lead to significant changes in government practice as result of implementation. Furthermore, some impactful anti-corruption measures, such as the beneficial ownership register, were implemented outside of the action plan. That said, CSO representatives agreed that Slovakia’s participation in OGP is important for several reasons.<sup>2</sup> Although they perceived anti-corruption activities of the current government as formal, they agreed that OGP membership provides a platform for pointing to current deficiencies and demanding improvements.<sup>3</sup>

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<sup>1</sup> In the implementation cycle of the second action plan (2014 - 2016), 21 of 34 commitments were either substantially or fully completed.

<sup>2</sup> Interview with Jakub Kratochvíl (For Decent Slovakia), 23 August 2019, Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019, and Štefan Jančo (Ekopolis Foundation), 19 September 2019.

<sup>3</sup> Ibid.

## 2.2. Commitments

### 1. Open data: Analysis, law, and training

Open government data has been one of the leading topics of OGP action plans since Slovakia became a member in 2011. All commitments in this cluster aimed at securing favorable conditions for further advancements in the open data agenda and increasing government transparency. The national open data portal Data.gov.sk<sup>1</sup> had already been launched as a result of the first action plan.<sup>2</sup> Subsequent action plans built on that portal and committed to a more demand-driven open data publication and a greater standardization.<sup>3</sup>

**Commitment 1:** “Perform an analysis of the market value and economic potential of open data in Slovakia, including analysis of saving public funds”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes.</li> <li>• <b>Relevant:</b> Unclear</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 1, to analyze the market value and economic potential of open data, was assessed in the IRM Design Report as having a potentially minor impact as the enumerated savings could “motivate the ministers and public servants to publish more open data”.<sup>4</sup> The Office of the Deputy Prime Minister for Investments and E-government authored the report, and the Office of the Plenipotentiary published the draft report for feedback.<sup>5</sup> Thus, it can be concluded that the commitment was formally completed in a participatory manner. However, the available draft of the analysis does not include an estimate of potential savings resulting from open data publication; it only summarizes what economic benefits open data publication had abroad. However, an interviewed CSO representative mentioned that, while it is always useful to share good practice from abroad, the international examples used in the report are not necessarily transferrable to the Slovak context.<sup>6</sup>

The author of the analysis admitted that the estimation of savings was missing from the analysis. He stated that the Office of the Deputy Prime Minister for Investments and E-government contacted the Value for Money Unit at the Ministry of Finance to assist with the analysis,<sup>7</sup> but the request was refused due to limited capacities. Overall, although the commitment was completed, and the report includes some relevant information about the benefits of open data generally, it does not change the status quo as it does not quantify potential savings of public resources resulting from open data publication. In the IRM Design Report, the IRM researcher recommended that “the analysis should be complemented with the detailed calculations of potential savings of public resources in different sectors of the Slovak economy” to get buy-in from public servants.<sup>8</sup> This recommendation is still valid.

**Commitment 2:** “Submit a draft law on data to the Government”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>



The act on data (Commitment 2), and the guidelines (Commitment 4) were proposed to standardize open data publication practices and adopt legislation to govern open data comprehensively. The Office of the Deputy Prime Minister for Investments and E-government used the working group ‘Better Data’ as the main platform for discussing the legislation. However, due to the frequent changes in personnel at this Office, progress on the act on data, as well as the operation of the working group, has stalled.<sup>9</sup> The initial deadline for submitting a draft law to the government was 31 December 2018, which was later postponed to 31 August 2019. The work resumed in July 2019, followed by more frequent meetings of the working group and publication of a draft law.<sup>10</sup> On 4 October 2019, a draft law was submitted for the official comment period,<sup>11</sup> which was open until 24 October 2019. Therefore, the commitment was substantially completed. However, during the official comment period it received 538 comments, 199 of them were substantial. Therefore, it is unlikely that the act will be adopted before the 2020 parliamentary election. Overall, due to the interruptions and delays in the process, opportunities for participation were unsystematic and have not had an effect on open government so far.

As for the act itself, an interviewed representative of Slovensko.digital, a CSO leading in the area of e-government, stated on their community platform that the Ministry of Justice pointed to the potential clash with the Freedom of Information (FOI) Act, which also regulates some aspects of open data publication.<sup>12</sup> He also argued that, to start with, a clearer definition of goals and the analysis of pre-existing legislation in the area could have been helpful.<sup>13</sup> At the same time, public servants argued that the act on data might be useful for legally specifying the role of data curators at individual public agencies.<sup>14</sup>

**Commitment 3:** “Conduct training for employees of public administration made responsible by their employer to publish open data on behalf of the public institution”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

This commitment aimed to conduct training for public servants to improve the quality of published datasets. Stakeholders interviewed for the IRM Design Report<sup>15</sup> and this report agreed that the levels of data literacy vary in public administration, and a more unified approach to open data is required to achieve positive outcomes. In 2017, the National Agency for Network and Electronic Services (NASES) organized training to introduce public servants to the concept of open data, provide guidance on how to use the national open data portal (Data.gov.sk) and publish datasets there.<sup>16</sup> Thirty-nine public servants participated in the training. The materials are publicly available on Data.gov.sk and also include comprehensive practical guidance for public agencies on how to publish their datasets on the portal. There have been improvements in data publication, likely as a result of training or the availability of guidance. For example, public agencies tend to state licensing conditions more often than they did in the past. However, the improvement has been marginal only. Also, NASES confirmed that only this one training session was organized during this implementation cycle,<sup>17</sup> and public servants were unaware of other activities.<sup>18</sup> While such training is meaningful and can contribute to open government, one-off activities will be less impactful than systematic opportunities for further education on the topic.

As the IRM Design Report emphasized, the exclusive focus on open data is insufficient for advancing government transparency and accountability.<sup>19</sup> Open data is only a fraction of wider information policies in public administration. Several CSO representatives mentioned their negative experience with accessing government information using FOI legislation and complained about the arbitrariness of decisions to disclose or withhold information, delayed responses, or, at worst, administrative silence.<sup>20</sup> Therefore, focusing on open data will bring a marginal change only. The IRM researcher

recommended in the IRM Design Report to widen the scope of training for public servants, including the application of FOIA.

**Commitment 4:** “Adopt guidelines for a standardized publication method and content of published datasets for state administration and local self-government as part of the amendment of the Decree of Ministry of Finance No. 55/2014 Coll. on Standards for Public Administration Information Systems, as amended”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 4 was completed early in the implementation cycle. Decree no. 55/2014 on standards for public administration information systems was amended to include the guidelines on the publication of government datasets and became effective as of 15 March 2018.<sup>21</sup> As noted in the IRM Design Report, while guidelines and legislation are useful, they will only apply to data that is made available. If public agencies open key datasets, only then will the impact be substantial.<sup>22</sup> At the moment, the contribution to access to information is marginal.

**Commitment 20:** “Carry out an initial feasibility study on the introduction of satellite account for NGOs (cost-benefit analysis)”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 20 aimed to explore a potential unified platform for data on CSOs and the civic sector. The commitment was completed in 2017, and the Office of the Plenipotentiary, together with the Statistical Office, published the feasibility analysis in the same year.<sup>23</sup> The analysis shed some light on what information should be included in the satellite account, but it did not change government practice.

As noted in the IRM Design Report, there was no clarity about the potential multiplicity of this and other platforms for collecting and sharing data on the civic sector. The IRM researcher noticed two other efforts in this area (one led by the Ministry of Interior and another by the Office of the Deputy Prime Minister for Investments and E-government).<sup>24</sup> For this IRM Implementation Report, the Office of the Plenipotentiary stated that these two registers would likely be merged. The satellite account for CSOs will be an additional register that will provide more comprehensive information, such as CSOs’ topical focus, target groups, geographical coverage, personal capacities, and various economic indicators.<sup>25</sup>

<sup>1</sup> The national open data portal, <https://data.gov.sk/> (in Slovak)

<sup>2</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic, <https://www.opengovpartnership.org/members/slovak-republic/>

<sup>3</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <https://www.opengovpartnership.org/members/slovak-republic/>; The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019, <https://www.opengovpartnership.org/members/slovak-republic/>

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- <sup>4</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section I - Open data: Analysis, law, and training.
- <sup>5</sup> The Office of the Deputy Prime Minister for Investments and E-government, “Analýza hodnoty otvorených údajov” (Analysis of the value of open data), <http://bit.ly/2nbiZNA> (in Slovak).
- <sup>6</sup> Skype interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018.
- <sup>7</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018.
- <sup>8</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section I - Open data: Analysis, law, and training.
- <sup>9</sup> Interview with Lucia Lacika (Office of the Plenipotentiary), 27 September and 9 October 2018.
- <sup>10</sup> Draft of the Law on data, <http://bit.ly/2mmHY0d> (in Slovak).
- <sup>11</sup> SLOV-LEX (Legal and information portal), Ministry of Justice, “Zákon o údajoch a o zmene a doplnení zákona č. 305/2013” (Act on data and on changes and amendments of the Act no. 305/2013), <http://bit.ly/31aU3Uq> (in Slovak).
- <sup>12</sup> Platforma.Slovensko.Digital, Zákon o údajoch (Act on Data), <http://bit.ly/2o0lwd4> (in Slovak).
- <sup>13</sup> Ibid.
- <sup>14</sup> Email conversation with a public servant who wished to remain anonymous, 27 September 2019.
- <sup>15</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section I - Open data: Analysis, law, and training.
- <sup>16</sup> Information about the training and presentations, <https://data.gov.sk> (in Slovak).
- <sup>17</sup> Email conversation with NASES, 17 October 2019.
- <sup>18</sup> Email conversation with a public servant who wished to remain anonymous, 27 September 2019.
- <sup>19</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section I - Open data: Analysis, law, and training.
- <sup>20</sup> Skype interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018.
- <sup>21</sup> SLOV-LEX (Legal and information portal), Ministry of Justice, “LP/2017/951 Opatrenie Úradu podpredsedu vlády Slovenskej republiky pre investície a informatizáciu, ktorým sa mení a dopĺňa výnos Ministerstva financií Slovenskej republiky č. 55/2014 Z.z. o štandardoch pre informačné systémy verejnej správy v znení neskorších predpisov” (Measure of the Office of the Deputy Prime Minister for Investments and E-government to amend the Decree no. 55/2014), <http://bit.ly/2n26Drl> (in Slovak).
- <sup>22</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section I - Open data: Analysis, law, and training.
- <sup>23</sup> The Office of the Plenipotentiary, Satelitný účet za MNO – štúdia uskutočniteľnosti vypracovaná (Satellite account for CSOs – feasibility analysis completed), <http://bit.ly/2S37XEw> (in Slovak).
- <sup>24</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section I - Open data: Analysis, law, and training.
- <sup>25</sup> Email conversation with Skarlet Ondrejčáková (The Office of the Plenipotentiary), 29 October 2019.

## 2. Update, publish and promote datasets

This cluster of commitments (5 - 9) builds on the previous commitments in the field. Commitment 5 (to update and publish a list of available datasets) is important for the systematic publication of data. Commitments 6 and 9 (to publish datasets) were also created to improve access to government-held data and ensure the publication is demand-driven.

**Commitment 5:** “Update and publish at the Open Data Portal the lists of all datasets of the ministries, organizations established by them, as well as other central government bodies, along with the plan of their publication at the Open Data Portal, including frequency of updates”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Implementation of Commitment 5 is ongoing. The majority of agencies published a list of all datasets at their disposal and their publication plans early in the implementation period and updated them regularly. Examples include the Ministry of Transport and Construction’s 2019 publication plan,<sup>1</sup> the Ministry of Agriculture and Rural Development,<sup>2</sup> and the Ministry of Culture.<sup>3</sup> However, some agencies lagged in fulfilling this commitment by the annual 31 March deadline. For example, the Ministry of Defense published the list of its datasets for the first time in February 2019 when the action plan was nearly at the end of its implementation cycle.<sup>4</sup> The quality of these datasets also varies. Some are available only in XML format, whereas other agencies also provided other, more accessible formats, such as CSV.<sup>5</sup> On average, the commitment was substantially completed by all relevant agencies and led to the publication of more government-held data compared to what existed before, but the change remained marginal mostly because of the uneven quality of published lists.

**Commitment 6:** “Publish datasets in accordance with the plan of publication and updating at the Open Data Portal, based on the updated list of datasets in the sphere of influence of ministries and organizations established by them, as well as other central government authorities”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

This commitment aimed to improve access to government-held data. Its implementation is also ongoing, with an annual deadline of 31 December. Since this commitment includes all central government agencies, it was not possible for the IRM researcher to independently check all published datasets against the publication plans of all agencies. The staff at the Office of the Plenipotentiary, however, informed the IRM researcher that the results in open data publication vary greatly by agency and depend greatly on the individuals in charge of data publication.<sup>6</sup> The following sample provides an illustration of this varied level of completion:

- Largely due to its mission and the nature of its work, the Statistical Office published 746 datasets since the launch of the national open data portal.<sup>7</sup>
- Based on its publication plan, the Ministry of Agriculture and Rural Development aimed to publish more than 100 datasets in 2019, but as of October 2019, when this report was

written, it had published 80 datasets on the national open data portal.<sup>8</sup> Many of these datasets matched those in the publication plan, e.g., the list of experts evaluating EU funds projects.

- Its subordinate organizations, such as the Central Agricultural Institute for Control and Testing,<sup>9</sup> was active in data publication with 135 published datasets.
- Some agencies published very few datasets, for example, the Ministry of Defense<sup>10</sup> made available only eight datasets, and the Ministry of Finance<sup>11</sup> and Ministry of Labor, Social Affairs and Family<sup>12</sup> only published 13 datasets since the portal was launched in 2012. While Ministry of Defense data might be exempted for national security reasons, the low number of other datasets from both the Ministry of Finance and Ministry of Labor is more worrying since they collect and manage key macroeconomic, microeconomic, and labor data.

**Commitment 7:** “Carry out a public campaign to promote the use of datasets published at the Open Data Portal and to support the development of innovation”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>● <b>Verifiable:</b> Yes</li> <li>● <b>Relevant:</b> Access to information</li> <li>● <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Completion:</b> Complete.</li> <li>● <b>Did it Open Government?</b> Marginal.</li> </ul>

The IRM Special Accountability Report for Slovakia’s previous action plan (2015-2017) emphasized the need for more opportunities for public engagement with data.<sup>13</sup> Commitment 7 aimed to achieve this by promoting datasets to the public. During the implementation period, the Office of the Plenipotentiary carried out several awareness-raising activities. Thus, the commitment can be considered complete. For example:

- In 2017, the Office of the Plenipotentiary co-organized the third volume of DanubeHack, an event aimed at supporting the development of open data-driven applications. The program was diverse and also entailed Open Data Academy, which presented the concept of open data from different perspectives.<sup>14</sup>
- In 2018, Office of the Plenipotentiary staff participated in a conference on the intersection of open data and the EU-wide General Data Protection Regulation (GDPR),<sup>15</sup> and IT conference Bratislava Open Camp where open data and open source commitments were presented.<sup>16</sup>
- In addition, open data was widely discussed during Open Government Week in 2017,<sup>17</sup> 2018,<sup>18</sup> and 2019.<sup>19</sup>

All these activities contributed to higher awareness of open data and its benefits. Some events, such as DanubeHack, also created an opportunity for a more hands-on experience with government data published in open formats and to create useful applications based on this data. However, awareness-raising activities will bring more tangible benefits only if a wide range of data is available to use and reuse. As the previous commitment described, this is not currently the case. Therefore, this commitment’s activities led to positive but marginal changes to open government.

**Commitment 8:** “Conduct a survey of public demand for the most requested open data datasets”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>● <b>Verifiable:</b> Yes</li> <li>● <b>Relevant:</b> Access to information, Civic participation</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Completion:</b> Complete.</li> <li>● <b>Did it Open Government?</b> Marginal.</li> </ul>

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Potential impact:</b> Minor.</li> </ul> |  |
|---|--|

Commitment 8 is also ongoing and was featured in the previous action plan (2015-2017).<sup>20</sup> It aims to ensure that the publication of government data is informed by public demand. The Office of the Plenipotentiary conducted a survey from 16 to 31 March 2017<sup>21</sup> on its website<sup>22</sup> and shared it with the open data community.<sup>23</sup> The results of the survey were then published on the Office’s website and were used as a basis for discussion with public agencies about what data should be prioritized for publication.<sup>24</sup> From these results, it is clear that the commitment was completed. Since the survey was open, it created an opportunity for the public interested in open data to participate and voice their ideas. Thus, the commitment has marginally contributed to open government.

However, stakeholders interviewed argued that, although the survey was useful, its sample size was small and not representative of data users in Slovakia.<sup>25</sup> It was a convenience sample. They suggested that in addition to the survey, the National Agency for Network and Electronic Services (NASES) should provide them with Data.gov.sk traffic statistics and analytics, in particular, a number of visitors for specific datasets, on a regular basis. This request was flagged to NASES, but nothing has changed – Data.gov.sk analytics are still unavailable to public agencies, which impedes demand-driven publication. An interviewed public servant mentioned that NASES faces a minor technical obstacle, as some users might get data through API. However, he argued that this could be fixed, and information obtained through server logs.<sup>26</sup>

**Commitment 9:** “Based on the results of the survey of public demand for the most requested datasets, publish the most requested datasets at the Open Data Portal in accordance with applicable legislation”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 9 served as a follow up to the survey conducted under Commitment 8 and aimed to publish the most requested datasets and APIs. The survey concluded that the most requested datasets are, among others, public transport timetables, the list of bus and rail stations, data on public transport occupancy, financial statements, budgets of all municipalities, budget of state-owned enterprises, companies register, database of executions, environment, and cadaster’s data.<sup>27</sup>

Again, since this commitment involved all central government agencies, it was not possible for the IRM researcher to independently check all published datasets against all requested datasets for this report. However, the mid-term government self-assessment report stated that there had been some progress.<sup>28</sup> For example, the Ministry of Culture published requested data on the assets and property of National Cultural Heritage. The Ministry of Transport and Construction has been working on publication on a continuous basis and consulting the relevant CSO actors, including experts from Slovensko.Digital. Its representative, who was interviewed for the IRM Design Report, was keen to make the most requested datasets available in the public domain. However, public transport timetables are still not available, and many datasets that have been in demand since Slovakia’s first action plan, such as cadaster’s data, are still not published. Therefore, the overall completion is recognized as limited and because the datasets in highest demand are still not available in the public domain, the contribution to open government, in particular, access to information, has been marginal.

<sup>1</sup> Data.gov.sk, “Zoznam datasetov rezortu dopravy a výstavby a plán zverejňovania na rok 2019” (The list of datasets and publication plan), <http://bit.ly/2oSiEji> (in Slovak).

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- <sup>2</sup> Data.gov.sk, “Zoznam v súčasnosti zverejnených datasetov rezortu MPRV SR” (The list of published datasets), <http://bit.ly/2oSeKHa>, and “Zoznam pripravovaných datasetov rezortu MPRV SR” (The list of to be published datasets), <http://bit.ly/330QxNY> (in Slovak).
- <sup>3</sup> Data.gov.sk, <http://bit.ly/30KeEPa> (in Slovak).
- <sup>4</sup> Data.gov.sk, “Zoznam datasetov MO SR” (The Ministry of Defense’s list of datasets), <http://bit.ly/32YRtIN> (in Slovak).
- <sup>5</sup> European Data Portal E-learning Module, Choosing the right format for open data, <https://data.gov.ie/edpelearning/en/module9/#/id/co-01>
- <sup>6</sup> Interview with Lucia Lacika (The Office of the Plenipotentiary), 25 September 2018, and 9 October 2019.
- <sup>7</sup> Data.gov.sk, Data published by the Statistical Office, <http://bit.ly/2LHzzhy> (in Slovak)
- <sup>8</sup> Data.gov.sk, Data published by the Ministry of Agriculture and Rural Development, <http://bit.ly/2pyRjTY> (in Slovak).
- <sup>9</sup> Data.gov.sk, Data published by the Central Institute for Control, <http://bit.ly/34ZvcWN> (in Slovak).
- <sup>10</sup> Data.gov.sk, Data published by the Ministry of Defense, <http://bit.ly/31FI0zA> (in Slovak).
- <sup>11</sup> Data.gov.sk, Data published by the Ministry of Finance, <http://bit.ly/2LJja05> (in Slovak).
- <sup>12</sup> Data.gov.sk, Data published by the Ministry of Labor, Social Affairs and Family, <http://bit.ly/2OrucFI> (in Slovak).
- <sup>13</sup> Mária Žuffová, Slovakia Special Accountability Report 2014 – 2015, <http://bit.ly/2EzH4WVs>
- <sup>14</sup> Full program of DanubeHack 3.0., <http://bit.ly/2pdPDyQ> (in Slovak).
- <sup>15</sup> Trend Open Data Forum, “Ako ovplyvní GDPR používanie otvorených dát? Panelová diskusia” (How will GDPR affect the use of open data? A panel discussion), <http://bit.ly/2pionzn> (in Slovak).
- <sup>16</sup> Bratislava Open Camp, Program 2018, <http://bit.ly/2mQOI6E> (in Slovak).
- <sup>17</sup> The Office of the Plenipotentiary, “Zverejnili sme program Open Government Week 2017” (Program of Open Government Week is published), <http://bit.ly/2pb2yI4> (in Slovak).
- <sup>18</sup> The Office of the Plenipotentiary, “Program Týždňa otvoreného vládnutia 2018 zverejnený” (Program of Open Government 2018 is published), <http://bit.ly/2pk5UCF> (in Slovak).
- <sup>19</sup> The Office of the Plenipotentiary, “Program a registrácia Týždňa otvoreného vládnutia 2019” (Program of Open Government Week 2019 and Registration), <http://bit.ly/2nQ2Flp> (in Slovak).
- <sup>20</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>
- <sup>21</sup> Survey on the most demanded datasets and open APIs, <http://bit.ly/2nLm6fC> (in Slovak).
- <sup>22</sup> The Office of the Plenipotentiary, “Prieskum po najžiadanejších datasetoch verejnej správy a otvorených API spustený” (The survey about the most demanded datasets and open APIs is published), <http://bit.ly/2mYyZ5K> (in Slovak).
- <sup>23</sup> Platforma.Slovensko.Digital, <http://bit.ly/2oslLgG> (in Slovak).
- <sup>24</sup> <http://bit.ly/2LJUPDu> (in Slovak).
- <sup>25</sup> Interview with a ministry representative who wished to remain anonymous, 6 November 2018.
- <sup>26</sup> Email conversation with a public servant who wished to remain anonymous, 27 September 2019.
- <sup>27</sup> The Office of the Plenipotentiary, “Vyhodnotenie prieskumu dopytu verejnosti po otvorených údajoch a otvorených aplikačných rozhraniach organizácií verejnej správy” (The evaluation of the survey on the most demanded datasets and APIs), <http://bit.ly/2LJUPDu>, and <http://bit.ly/2OkNSuf> (in Slovak).
- <sup>28</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Annex 3 - Commitment 9, p 111-117).

### 3. Next steps for open data

**Commitment 10:** “Conduct an analysis of publication of datasets of central government bodies at the Open Data Portal and submit it to the meeting of the Government Council for NGOs”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 10 addressed in a systematic manner the objections about the low quality of published data that have been repeatedly raised by civil society. Analyses of central government bodies’ publication of open data on the national portal Data.gov.sk were conducted during the implementation period on a regular annual basis. The first analysis was published in 2017,<sup>1</sup> then again in 2018,<sup>2</sup> and the last one was published in June 2019.<sup>3</sup> The commitment was, thus, fully implemented.

Mapping the state of an issue of public interest is necessary to formulate meaningful and informed recommendations and measures, so conducting in-house mapping of open data publication by central government agencies is useful. It contributes to open government by providing detailed information on the progress of this and previous commitments and identifying impediments. The conclusions of analyses were in line with observations of relevant CSO representatives interviewed for previous IRM reports, i.e., data publication has increased in quantity, but the quality (e.g. high-demand data, formatting, irregular updates) remains problematic.<sup>4</sup> If findings of these reports will inform future actions and decisions of individual agencies to improve their data publication, the commitment could have a positive impact. So far, since the first analysis in 2017, the improvements have been marginal.

**Commitment 11:** “Develop a strategy and action plan of publication and use of open data of public administration and submit it to the Government”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 11 aimed to standardize and improve open data publication and was continued from the previous action plan.<sup>5</sup> The course of the implementation is discussed in detail in the IRM Design Report.<sup>6</sup> As outlined there, a previous strategy from 2015<sup>7</sup> was abandoned, and a new one submitted for abridged<sup>8</sup> public comment period<sup>9</sup> on 12 May 2017. The government approved it on 24 July 2017,<sup>10</sup> fulfilling this commitment.

However, stakeholders raised several objections, in particular about the strategy development process not being in line with open government values. Slovensko.Digital, a major CSO with a focus on e-government, posited that the versions from 2015 and 2017 were fundamentally different, and time to familiarize with the new draft strategy was limited due to the abridged length of the public comment period<sup>11</sup> and NASES’ unwillingness to share the details of prepared changes to the document.<sup>12</sup> These concerns and reservations were echoed by other experts in the field.<sup>13</sup> All in all, while the strategy has contributed to open government by assessing the state of open data in public



administration and providing vision and guidance for future data publication, its development ignored open and inclusive participatory processes, to which Slovakia subscribed through other OGP commitments. Therefore, the IRM researcher concludes that the contribution to open government is marginal.

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<sup>1</sup> The Office of the Plenipotentiary, “Analýza zverejňovania datasetov verejnej správy - 2017” (The analysis of central government bodies’ publication of open data), <http://bit.ly/2niouub> (in Slovak).

<sup>2</sup> The Office of the Plenipotentiary, “Analýza zverejňovania datasetov verejnej správy - 2018” (The analysis of central government bodies’ publication of open data), <http://bit.ly/333pjfO> (in Slovak).

<sup>3</sup> The Office of the Plenipotentiary, “Analýza zverejňovania datasetov verejnej správy - 2019” (The analysis of central government bodies’ publication of open data), <http://bit.ly/2Oj4iDx> (in Slovak).

<sup>4</sup> Ibid.

<sup>5</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>

<sup>6</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section I - Open data: Analysis, law, and training.

<sup>7</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), Ministry of Justice, <https://bit.ly/2asdOyB> (in Slovak).

<sup>8</sup> The standard length of the official public comment period is 15 days. The abridged length of the official public comment period is 7 days.

<sup>9</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), Ministry of Justice, <http://bit.ly/2zou3dp> (in Slovak).

<sup>10</sup> Government of the Slovak Republic, Government resolution no. 346/2017 on the Strategy and action plan for open government data publication and use (27 July 2017), <http://bit.ly/2AieGTi> (in Slovak).

<sup>11</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), Ministry of Justice, <http://bit.ly/2zou3dp> (in Slovak).

<sup>12</sup> Slovensko.Digital Platform, OpenData strategy – Consultations (again), <http://bit.ly/2Sgya2f> (in Slovak).

<sup>13</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and E-government of the Slovak Republic as a consultant during the action plan implementation on OGP commitments), 5 November 2018.

## 4. Open API

The focus of commitments in this cluster is publicly available application programming interfaces (open APIs).<sup>1</sup> This action plan is the first to feature this topic. However, open APIs is captured in several strategic government documents, such as the Strategic priority: Multichannel access,<sup>2</sup> the National E-government Concept<sup>3</sup> and the Detailed E-government Action Plan.<sup>4</sup> Experts interviewed for the Design Report argued that APIs' availability is crucial for advancing e-government but also open data,<sup>5</sup> and CSOs active in the area of e-government, like Slovensko.digital, have been advocating for access to open government APIs.<sup>6</sup>

**Commitment 12:** “Develop standards for publicly available application programming interfaces and submit them to the Commission for the Standardization of Information Systems in Public Administration.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 12 aimed to ensure consistency in publishing APIs. Standards were developed in a participatory manner. The Office of the Deputy Prime Minister for Investments and E-government led a working group linked to the Commission for Standardization of Public Administration Information Systems.<sup>7</sup> Experts interviewed agreed that the meetings were led professionally, and all key stakeholders had access to these meetings and information.<sup>8</sup> At the beginning of 2018, the Ministry's Finance Decree no. 55/2014 was amended by a specific measure, which in section 47a defined the standards for open APIs.<sup>9</sup> Therefore, the commitment was completed, and interviewees agreed that the document covered all key issues.<sup>10</sup>

**Commitment 13:** “Ensure the publication of open data and publicly available Application Programming Interfaces in projects financed by the Operational Program Integrated Infrastructure and other public sources.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 13 addresses the lack of publicly available APIs. In its mid-term self-assessment report, the Office of the Plenipotentiary stated that “the Managing Committee of the Operational Program Integrated Infrastructure approved seven feasibility studies, and six of them declared the intent to create publicly available APIs”.<sup>11</sup> They stated that these studies are the Center for Legal Aid's Information system,<sup>12</sup> Management of data in the state-run social insurer Sociálna poisťovňa,<sup>13</sup> Data integration,<sup>14</sup> Central Economic System,<sup>15</sup> Company Register Information System,<sup>16</sup> and Central Public Administration's Information System.<sup>17</sup>

After reading these studies, the IRM researcher concluded that only five projects expressed the intent to create publicly available APIs. The feasibility study of the Central Economic System concluded that “given the character of the system ensuring economic and administrative functions of the organizations, creation of APIs is not presumed as needed”.<sup>18</sup> All projects, except for the Central Public Administration's Information System, were assessed by Slovensko.Digital's Red Flags Project, which helps to identify weak spots and potential risks in proposed IT projects in public

administration.<sup>19</sup> Most of them were evaluated positively, in particular, the Center for Legal Aid’s Information system<sup>20</sup> and Company Register Information System.<sup>21</sup> As for the completion of the commitment, the IRM researcher concluded it is limited because expressing the intent to create open APIs is an important first step but no guarantee it will eventually happen. It is unclear what consequences agencies face if they do not translate these intents into actions. Moreover, these are only projects under the Operational Program Integrated Infrastructure, but the text of commitment was much more ambitious, stating that it will apply to “projects also financed by other public sources”.

At the moment, key public administration information systems do not provide open APIs. Therefore, the commitment did not change the status quo.

**Commitment I4:** “Conduct a survey of public demand for the most requested publicly available Application Programming Interfaces.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information, Civic participation</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment I4 followed the practice that has been used in other open data-related commitments. The main aim was to have a demand-driven open API publication. In this spirit, the Office of the Plenipotentiary included in its regular survey on open data additional questions on open APIs. The survey was open from 16 to 31 March 2017.<sup>22</sup> The Office of the Plenipotentiary promoted it on its website<sup>23</sup> and shared it with the open data community.<sup>24</sup> The results are available on the website of the Office of the Plenipotentiary and were used as a basis for discussion with public agencies on which open APIs should be prioritized for publication.<sup>25</sup> Therefore, the commitment is complete. It has marginally contributed to open government since its fulfillment has increased knowledge about the demand for APIs. Also, it has created an opportunity for the public interested in open APIs to engage and formulate their demands.

**Commitment I5:** “Based on the results of the survey of public demand for most requested publicly available Application Programming Interfaces, make available the most requested Application Programming Interfaces in compliance with current legislation and existing technical conditions, along with the license (conditions) for their use.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Transformative.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment I5 was a natural step following Commitment I4. Many stakeholders interviewed for the IRM Design Report argued that, if fulfilled and high-value APIs are released (such as the Cadaster’s APIs on land and property ownership, the Register of self-employed persons or Company register APIs), it could have a transformative impact and trigger creation of new services for the benefit of citizens.<sup>26</sup> The mid-term government self-assessment report concluded that ministries that were identified as holders of data of the most requested APIs fulfill the task on a continuous basis.<sup>27</sup>

However, the results of the survey conducted by the Office of the Plenipotentiary on the most requested API, compared to APIs that have been published in the past two years, tell a different story. Based on the survey,<sup>28</sup> the most demanded APIs lie with the Ministry of Transport and Construction (data about transport in the capital Bratislava), Ministry of Justice (Company register, Slov-lex, etc.), Ministry of Interior (Register of self-employed persons, Register of addresses, etc.), Ministry of Health (Data on the occurrence of allergens), Ministry of Environment (meteorological data, etc.), Cadaster's Office (Land ownership data, etc.), and the Government's Office. The Office of the Plenipotentiary held meetings with these agencies to communicate the results of the survey and specific demands for APIs,<sup>29</sup> and while the Ministry of Justice published APIs of the Register of Beneficial Partnership<sup>30</sup> and the Ministry of Interior published APIs of the Register of addresses,<sup>31</sup> the progress of this commitment overall has been limited.

The recent report on the state of Slovak e-government concluded that 90 percent of activities related to opening APIs had been delayed, and APIs that are currently available from the information systems of public administration are unsatisfactory and do not fulfill the standards.<sup>32</sup> Because of its limited fulfillment, the commitment's contribution to open government has been only marginal. That said, an interviewed Slovensko.Digital representative stated for the IRM Design Report that the official government's commitment to release APIs makes their communication with agencies easier.<sup>33</sup>

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<sup>1</sup> For a more detailed explanation of APIs and their benefits, see the Design report: Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 4 – Open API.

<sup>2</sup> The Office of the Deputy Prime Minister for Investments and E-government of the Slovak Republic, "Strategická priorita: Multikanálový prístup" (Strategic priority: Multichannel access), <http://bit.ly/2NIBIPQ> (in Slovak).

<sup>3</sup> "Národná koncepcia informatizácie verejnej správy" (National E-government Concept), <http://bit.ly/36eH6wK> (in Slovak).

<sup>4</sup> The Office of the Deputy Prime Minister for Investments and E-government of the Slovak Republic, "Detailný akčný plán informatizácie verejnej správy (2017-2020) (Detailed E-government Action Plan), <http://bit.ly/32SYZiu> (in Slovak).

<sup>5</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018; and interview with Ján Suchal (Slovensko.Digital), 4 December 2018.

<sup>6</sup> Slovensko.digital, "Za otvorené štátne systémy" (For open state systems), <http://bit.ly/2EbyOKC> (in Slovak).

<sup>7</sup> The Office of the Deputy Prime Minister for Investments and E-government, "Komisia pre štandardizáciu ISVS" (Commission for Standardization of Public Administration Information Systems), <http://bit.ly/2OG4ixC> (in Slovak).

<sup>8</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018; and phone interview with Ján Suchal (Slovensko.Digital), 4 December 2018.

<sup>9</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), Ministry of Justice, Opatrenie Úradu podpredsedu vlády Slovenskej republiky pre investície a informatizáciu, ktorým sa mení a dopĺňa výnos Ministerstva financií Slovenskej republiky č. 55/2014 Z.z. o štandardoch pre informačné systémy verejnej správy v znení neskorších predpisov (Measure no. 55/2014).

<sup>10</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018; and phone interview with Ján Suchal (Slovensko.Digital), 4 December 2018.

<sup>11</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment I3 on page 26).

<sup>12</sup> The Center for Legal Aid, "ŠU Informačný systém Centra právnej pomoci" (Feasibility study: Center for Legal Aid's Information System), <http://bit.ly/2OCaZRj> (in Slovak).

<sup>13</sup> Sociálna poisťovňa, "Manažment údajov Sociálnej poisťovne: Agendová štúdia" (Feasibility study: Management of data in the state-run social insurer Sociálna poisťovňa), <http://bit.ly/2M9jexW> (in Slovak).

<sup>14</sup> Central metainformation system of public administration, "Dátová integrácia: sprístupnenie údajovej základne VS vrátane otvorených údajov prostredníctvom platformy dátovej integrácie" (Data Integration), <http://bit.ly/32k7H9r> (in Slovak).

<sup>15</sup> Central metainformation system of public administration, "Centrálny ekonomický systém" (Central Economic System), <http://bit.ly/2M6qmO6> (in Slovak).

<sup>16</sup> Central metainformation system of public administration, "Informačný systém obchodného registra" (Company Register's Information System), <https://metais2.vicepremier.gov.sk/detail/ISVS/2fc82119-2cc8-4593-bd4c-5405ff050a27/cimaster?tab=detailForm> (in Slovak).

<sup>17</sup> NASES, "Centrálny informačný systém štátnej služby: Štúdia uskutočniteľnosti pre agendové ISVS" (Central Public Administration's Information System: Feasibility study for agenda-related PAIS), <http://bit.ly/2ILMEVj> (in Slovak). This is a version that was submitted for the public comment period, as the IRM researcher was unable to locate the final version.

<sup>18</sup> See the last page of the feasibility study, section I.3.

<sup>19</sup> Slovensko.Digital, Red flags project, <https://redflags.slovensko.digital/o-projekte> (in Slovak).

<sup>20</sup> Slovensko.Digital, Red flags project, "Informačný systém Centra právnej pomoci" (Center for Legal Aid's Information System), <http://bit.ly/2Mbzaux> (in Slovak).

- <sup>21</sup> Slovensko.Digital, Red flags project, “IS Obchodného registra” (Company Register’s Information System), <http://bit.ly/2OCjtrD> (in Slovak).
- <sup>22</sup> Survey on the most demanded datasets and APIs, <http://bit.ly/2nLm6fC> (in Slovak).
- <sup>23</sup> The Office of the Plenipotentiary, “Prieskum po najžiadanejších datasetoch verejnej správy a otvorených API spustený” (The survey about the most demanded datasets is published), <http://bit.ly/2mYyZ5K> (in Slovak).
- <sup>24</sup> Platforma.Slovensko.Digital, <http://bit.ly/2oslLgG> (in Slovak).
- <sup>25</sup> The Office of the Plenipotentiary, “Vyhodnotenie prieskumu dopytu verejnosti po otvorených údajoch a otvorených aplikačných rozhraniach organizácií verejnej správy” (Evaluation of the survey about the most demanded government datasets and open APIs), <http://bit.ly/2LJUPDu> (in Slovak).
- <sup>26</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018; and phone interview with Ján Suchal (Slovensko.Digital), 4 December 2018.
- <sup>27</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh> (See Commitment 15 on page 28).
- <sup>28</sup> The Office of the Plenipotentiary, “Vyhodnotenie prieskumu dopytu verejnosti po otvorených údajoch a otvorených aplikačných rozhraniach organizácií verejnej správy” (Evaluation of the survey about the most demanded government datasets and open APIs), <http://bit.ly/2LJUPDu> (in Slovak).
- <sup>29</sup> Trello, update on Commitment 15, <http://bit.ly/2pgOK8Y> (in Slovak).
- <sup>30</sup> Data.gov.sk, “Register partnerov verejného sektora” (Register of Beneficial Register), <http://bit.ly/2MDIQXc> (in Slovak).
- <sup>31</sup> Data.gov.sk, “Register adries” (Register of addresses), <http://bit.ly/35rVHEu> (in Slovak).
- <sup>32</sup> Slovensko.Digital, “Správa o stave slovenského eGovernmentu” (Report on the state of Slovak e-government), <http://bit.ly/2NkNg5P> (in Slovak).
- <sup>33</sup> Phone interview with Ján Suchal (Slovensko.Digital), 4 December 2018.

## 5. Open source software

The topic of open-source software (OSS) appeared in this action plan for the first time, although it was previously discussed in strategies drafted by the Ministry of Finance, who used to be responsible for e-government projects.<sup>1</sup> All commitments in this cluster addressed the lack of transparency and competitiveness in the procurement processes of IT projects, vendor-lock-in<sup>2</sup> in these projects, and limited use of OSS products in public administration – concerns that Slovensko.Digital, a CSO active in e-government, has voiced repeatedly. The use of OSS can address some of the above problems, as it shrinks the space for exclusive licenses and maintenance agreements for IT projects.

Commitments 16 – 18 to document and publish the use of open source components in custom-made public administration information systems were created to start the discussion about OSS in public administration, and to document users.

**Commitment 16:** “Enable the disclosure of source code and development using open methods for newly developed plug-ins and extensions of web browsers and client applications.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 16 was formally completed, although the result was not satisfactory. In the mid-term government self-assessment report, the majority of central government agencies concluded that they did not develop any new plug-ins or applications using OSS, so they had no source code to disclose. However, they pledged that they are ready to enable the disclosure of source code in future cases. Some agencies did not provide information about their fulfillment of this commitment. Overall, to date, the national open data portal Data.gov.sk is perhaps the only e-government project where source code is published, although not as a result of this commitment.<sup>3</sup> Moreover, an expert interviewed for this report mentioned that to use available source code of Data.gov.sk is somewhat difficult.<sup>4</sup> Overall, access to information has not changed as a result of this commitment.

**Commitment 17:** “Document the use of selected open source components in custom-made information systems, analyze the possibility of publishing parts of the code and documentation under an open license and publish selected parts of the code.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 17 was also completed early on in the implementation period. The outcomes are available in the mid-term government self-assessment report.<sup>5</sup> Similarly to the previous commitment, the majority of central government agencies concluded that they did not identify any OSS solutions in their information systems.<sup>6</sup> As was already emphasized in the Design Report, this is a result of an unwillingness to consider OSS solutions.<sup>7</sup> For instance, the Ministry of Education, Science, Research and Sport did not consider OSS solution for the repository for educational resources despite it being a commitment in the same action plan (see Commitment 25). The ministry argued that “the contract<sup>8</sup> was concluded in 2015 when another minister was in charge”.<sup>9</sup> However, an interview

with an expert suggested that even the current management of the ministry is not inclined to use OSS solutions.<sup>10</sup>

Some agencies disclosed the use of OSS in their information systems, such as the Ministry of Agriculture and Rural Development. However, after the consultation with suppliers, they concluded that “disclosing the code and documentation would create a high level of security risk”.<sup>11</sup> An interviewed expert argued that this often is not a legitimate concern, as abroad OSS solutions are adopted to strengthen security, not vice versa.<sup>12</sup> All in all, this commitment marginally helped to better understand the current situation in the lack of use of OSS in public administration.

**Commitment 18:** “Publish at the Open Data Portal the list of used open source software stating the purpose of each type of software, license type, as well as software for which a government body has a license for its use, distribution and publishing.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Acces to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 18 was also completed with the outcomes available in the mid-term government self-assessment report.<sup>13</sup> The IRM researcher downloaded some of the published datasets, as some of them were not structured to enable use of the preview function on Data.gov.sk.<sup>14</sup> Some datasets were unavailable for download, such as from the Ministry of Health.<sup>15</sup> The Ministry of Finance provided a very informative dataset that demonstrated the use of OSS in the ITMS2014+ project.<sup>16</sup> Other ministries also provided datasets, such as the Ministry of Culture.

The commitment marginally increased knowledge of the use of OSS in central government agencies. At the same time it revealed that, at some agencies, the understanding of what a dataset represents is limited. Also, the template provided by the Office of the Plenipotentiary was not ideal for publication on Data.gov.sk, as it was not compatible with the Data.gov.sk preview function.<sup>17</sup>

**Commitment 19:** “In cooperation with experts, carry out a study that will document the possibilities, advantages and disadvantages of using open source software and other licensing models in the state administration.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 19 mainly aimed to get public servants to buy-in to OSS. It was substantially completed early on during the implementation process.<sup>18</sup> The draft analysis was not published on the website of the Office of the Plenipotentiary. However, in December 2017, it was made available for comment on the Slovensko.Digital’s platform where it has broader reach.<sup>19</sup> Its author emphasized that one of the main aims of the document was to make it clear that OSS offers a number of different ways to participate, from informing to co-developing software together with civil society and the private sector.<sup>20</sup>

While the report is useful and written in accessible language, it is unclear what the final version of the report is. Also, no information is publicly available on how this draft report was further used to meet its goal. The Office of the Plenipotentiary does not mention to which agencies and public

servants the report was sent or how the discussion followed from this report. Therefore, it is challenging to establish the commitment's contribution to open government without more information on the dissemination of the report and follow-up activities.

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<sup>1</sup> For more detailed background information, see the Design report: Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 5 – Open source.

<sup>2</sup> A situation when a customer, e.g., a state agency, cannot easily transition to competition.

<sup>3</sup> Data.gov.sk, “Zdrojové kódy - Úloha B17” (Source code – Task B17), <https://data.gov.sk/dataset/zdrojove-kody-uloha-b17>, and <https://github.com/nases-sk/eDemokracia-MOD> (in Slovak).

<sup>4</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018.

<sup>5</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Annex 6, Commitment 17 on page 112 - 114).

<sup>6</sup> Ibid.

<sup>7</sup> For more detailed background information, see the Design report: Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 5 – Open source.

<sup>8</sup> The Central Registry of Contracts ([www.crz.gov.sk](http://www.crz.gov.sk)), Zmluva o službách a licenčná zmluva č. 1030-2015 (Contract on services and licensing contract no. 1030/2015), <http://bit.ly/2b6A541> (in Slovak).

<sup>9</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Annex 6, Commitment 17 on page 112 - 114).

<sup>10</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018.

<sup>11</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Annex 6, Commitment 17 on page 112 - 114).

<sup>12</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018.

<sup>13</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Annex 6, Commitment 17 on page 112 - 114).

<sup>14</sup> Ministry of Transport and Construction, Ministry of Economy, Ministry of Agriculture and Rural Development, Ministry of Interior and others.

<sup>15</sup> Data.gov.sk, “Open source na MZ SR” (OSS used by the Ministry of Health), <http://bit.ly/35SLzoz> (in Slovak).

<sup>16</sup> Data.gov.sk, “Zoznam využívaného otvoreného softvéru rezortu MF SR” (The list of OSS used by the Ministry of Finance), <http://bit.ly/33nVdNQ> (in Slovak).

<sup>17</sup> The Office of the Plenipotentiary, “Informácia pre zodpovedných za plnenie úlohy č. 18 Akčného plánu Iniciatívy pre otvorené vládnutie 2017-2019” (Information for public servants responsible for the implementation of commitment 18 in the OGP AP 2017-2019), <http://bit.ly/2MxFDbU> (in Slovak).

<sup>18</sup> “Open source prístup pre lepšie verejné služby” (Open source approach for better public services), <http://bit.ly/2S3TtnL> (in Slovak).

<sup>19</sup> Platforma.Slovensko.Digital, “OGP a open source” (OGP and Open Source), <http://bit.ly/2B3AToV> (in Slovak).

<sup>20</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018.



## 6. EU Funds and Subsidies Data Portal

Commitments 21 and 22 aimed to improve the EU Funds and Subsidies Portal<sup>1</sup> that was launched in 2016 and was already featured in the previous action plan.<sup>2</sup> The aim of the portal was to increase access to information on the allocation and use of EU funds and subsidies on a single platform. However, the IRM Special Accountability Report concluded, based on expert interviews, that the portal is of limited use due to the low quality and format of published data.<sup>3</sup>

**Commitment 21:** “Define the minimum scope and structure of the disclosed data on the use of European structural and investment funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, the Swiss Financial Mechanism and subsidy schemes from the state budget.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

The above-mentioned report suggested to establish minimum requirements for published data, e.g., what indicators (columns) have to be included as part of the datasets.<sup>4</sup> In this view, Commitment 21 aimed to address these problems with data quality and low usability.

The commitment was completed early in the implementation period. In March 2017, the Office of the Plenipotentiary conducted a survey to explore the most demanded data on the use of EU funds and subsidies, but also public resources more broadly.<sup>5</sup> The survey findings were complemented by suggestions received by email, through personal meetings, or regional workshops. Overall, the following were identified as the most demanded data categories:

- name of grant scheme;
- name of provider;
- name, type, and allocation of the call;
- name and other identifying data of applicant;
- name of project and its planned activities;
- and budget and other data categories, which are available in the mid-term government self-assessment report.<sup>6</sup>

In June 2017, the Office of the Plenipotentiary published on its website the minimum requirements for data published on the EU Funds and Subsidies Portal<sup>7</sup> and also proactively informed all relevant agencies. The published information also included templates and guidelines. Thus, the commitment was completed. However, the change of practice has been fully contingent on the fulfillment of related Commitment 22, i.e., on how government agencies have published data since.

**Commitment 22:** “Publish data on the use of funds provided by central government authorities within the European structural and investment funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, the Swiss Financial Mechanism and subsidy schemes from the state budget, at least in the defined structure at the website <https://data.gov.sk/dotacie>.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 22 was the next step to Commitment 21. The IRM researcher visited the portal to investigate if the problems reported in 2016 had been rectified, and government agencies were following the minimum requirements set in 2017. Since this commitment involves many central government agencies, it was not possible for the IRM researcher to check all the published datasets against the requirements, but from the randomly picked agencies, it seems that the quality of their published data remains problematic, and the minimum requirements are only met sporadically.

The multiplicity of portals contributes to data being published in an unsystematic manner. For instance, the Ministry of Culture published data on the allocation and use of public resources on the national data portal Data.gov.sk instead of on the EU Funds and Subsidies Portal.<sup>8</sup> Some ministries, such as the Ministry of Foreign and European Affairs, for example, did publish on the EU Funds and Subsidies Portal. However, in most cases, the published data does not include all the data categories set by the minimum requirements. The most common structure of the published data includes simply information about the name of the project, the name of the recipient, the received sum, and the identifying number. Thus, the completion and contribution of this commitment to open government are limited. Furthermore, as was mentioned in the IRM Design Report, the awareness of the portal remains low, limiting its usefulness for monitoring EU funds allocated for Slovakia.<sup>9</sup> For example, a CSO representative<sup>10</sup> and a regional investigative journalist<sup>11</sup> who uses government information and data in their daily work stated that prior to the interview they had not heard of the EU Funds and Subsidies Portal, which either indicates an absence of useful data or an absence of awareness.

<sup>1</sup> EU Funds and Subsidies Portal (Modul dotačných schém), <https://data.gov.sk/dotacie> (in Slovak). Detailed information about the portal collated by the Office of the Plenipotentiary, [http://www.minv.sk/?ros\\_mds](http://www.minv.sk/?ros_mds) (in Slovak).

<sup>2</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>

<sup>3</sup> Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4W5>

<sup>4</sup> Ibid.

<sup>5</sup> <http://bit.ly/2Vj3L5V> (in Slovak).

<sup>6</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Commitment 21 on page 34-35).

<sup>7</sup> The Office of the Plenipotentiary, "Minimálny rozsah zverejňovaných dát o dotáciách" (Minimum scope of the data published on the use of EU funds and subsidies), <http://bit.ly/35bjbkh> (in Slovak).

<sup>8</sup> <http://bit.ly/2LKZ3ea> (in Slovak).

<sup>9</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 6 – EU Funds and Subsidies Portal.

<sup>10</sup> Skype interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018.

<sup>11</sup> Interview with Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019.

## 7. Central Register of Contracts

The Central Register of Contracts,<sup>1</sup> launched in 2011, is one of the major anti-corruption measures in Slovakia. It requires the Government Office, ministries and other central government agencies, and certain public institutions to publish contracts with their suppliers for these contracts to be valid. The register was praised at home and abroad.<sup>2</sup> That said, the first action plan identified room for further improvements of the register. For example, no oversight agency exists to “monitor the quality of published contracts and compliance with the freedom of information (FOI) law more broadly”,<sup>3</sup> and relevant stakeholders have repeatedly pointed out that some contracts are not published, while others have essential pieces of information missing.

**Commitment 23:** “In a participatory manner, carry out an analysis of compliance with the obligation to publish contracts in the Central register of contracts, prepare a proposal of changes that will clarify the obligation and enable an effective mechanism for compliance verification, and submit these to the government”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information, Civic participation</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 23 aimed to address the above-mentioned problem and was completed as part of Slovakia’s FOIA improvement efforts. Before the 2016 parliamentary elections, 11 political parties pledged to improve FOIA (a notable exception – the ruling party, SMER (Social Democrats) – declined to join the pledge),<sup>4</sup> and the Ministry of Justice and CSOs created a working group to prepare a new FOIA draft. The participatory preparatory works also included analyzing the Central Register of Contracts. However, as was already summarized in the IRM Special Accountability Report for the 2015-2017 action plan, the draft was withdrawn after receiving 757 comments during the official public comment period, and only Directive 2013/37/EU, on the re-use of public sector information, was transposed into FOIA.

In 2017, the work on the draft was resumed, and a new draft proposing robust changes (some of them also informed by the analysis of the Central Register of Contracts) was submitted for the official public comment period.<sup>5</sup> The draft was comprehensive and introduced important changes increasing access to information,<sup>6</sup> and during the official public comment period, 776 comments were received,<sup>7</sup> with 303 of these being substantial. Due to limited capacities within the Ministry of Justice to address these comments, the draft law again did not go forward.<sup>8</sup> Compliance with the obligation to publish contracts in the Central Register of Contracts did not change. However, the preparatory works marginally contributed to open government for various reasons. First, the working group that was created to assess the functioning of FOIA and the Central Register of contracts operated in a participatory manner. Second, although the draft law was not adopted, the analyses that informed it generated new knowledge in the area, which will be readily available once the discussion on FOIA and the Central Register of Contracts is back on the table.

**Commitment 24:** “Create space for the publication of local self-government (municipality) contracts in a single central repository”.

IRM Design Report Assessment	IRM Implementation Report Assessment
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<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Not Started.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>
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Commitment 24 is related to the previous commitment and aimed to allow municipalities to add their contracts to the Central Register of Contracts. Some interviewees argued that it is a useful measure, because having the contracts of central government agencies and municipalities on one single platform would be easier for the public, CSOs, and investigative journalists to monitor how public resources are being spent.

Opinions among civil society actors and journalists on this measure vary, with one investigative journalist stating that if she is looking for contracts of municipalities and regional authorities, she never uses the Central Register of Contracts, but goes to their websites directly.<sup>9</sup> Still, it would substantially help small municipalities with limited capacities who now have to publish the contracts on their websites. The draft FOIA legislation mentioned above included a sentence that the Government Office, which operates the Central Register of Contracts, will enable any government agency with the obligation to publish contracts on its website to publish these in the Central Register of Contracts if requested.<sup>10</sup> However, since the law was not adopted, the commitment did not contribute to open government.

<sup>1</sup> The Central Register of Contracts, <http://www.crz.gov.sk/> (in Slovak).

<sup>2</sup> Alexander Furnas, Case Study: Open Contracting in the Slovak Republic, Open Contracting Partnership, <http://bit.ly/2R7tqLY>. Ali Clare, David Sangokoya, Stefaan Verhulst, and Andrew Young, Open contracting and procurement in Slovakia: Establishing Trust in Government Through Open Data, <http://bit.ly/2DZfsZy>

<sup>3</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 7 - Central Register of Contracts.

<sup>4</sup> Transparency International Slovakia, “Závazok zlepšiť infozákon dali voličom všetci okrem SMERu” (All parties, except SMER, pledged to improve FOIA), <http://bit.ly/2TtpVWrl> (in Slovak).

<sup>5</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), Ministry of Justice, <http://bit.ly/2Oiw6rC> (in Slovak).

<sup>6</sup> Ministry of Justice, “Novela infozákona: ďalší krok k zvyšovaniu transparentnosti verejnej správy” (The FOIA amendment: a next step on the path of increasing transparency in public administration), <http://bit.ly/2Mclci4> (in Slovak).

<sup>7</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), Ministry of Justice, <http://bit.ly/2Oiw6rC> (in Slovak).

<sup>8</sup> Sme.sk, TASR, “Gál: Novela infozákona má množstvo pripomienok, tak skoro schválená nebude.” (Gál: The amendment of FOIA received numerous commitments, it is not going to be adopted anytime soon), <http://bit.ly/2VeKKl8> (In Slovak).

<sup>9</sup> Interview with Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019.

<sup>10</sup> Point 21 in the proposed amendment of FOIA, <http://bit.ly/2Oiw6rC> (in Slovak).

## 8. Repositories for open educational and scientific resources

Commitments in this cluster are related to both open education (Commitments 25, 29, and 31) and open access (Commitment 39). They were developed in a complex political situation and affected by frequent personnel changes at the Ministry of Education, Science, Research and Sport (hereinafter as Ministry of Education, for brevity), and a limited number of CSOs working in the area of open education and open access. Detailed contextual information is provided in the IRM Design Report.<sup>1</sup>

**Commitment 25:** “Establish and operate a repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic for storage, long-term archiving and access to educational resources.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

This repository aimed to address the lack of quality educational resources through a single platform for teachers to share their educational resources and encourage open education practices. Slovakia was one of the first OGP members to include open education commitments in its action plan, and all interviewees agreed that a repository for educational resources with emphasis on openly licensed resources is a positive development in and of itself.<sup>2</sup> That said, the initial deadline for the full launch of the repository was set in the action plan for 30 June 2018,<sup>3</sup> but due to the delays, this deadline was not met. At the moment, the repository is in the testing phase<sup>4</sup> and will be fully launched in the current academic year 2019 – 2020.<sup>5</sup> Thus, the commitment is substantially completed, but its full contribution to open government has yet to be seen.

At the time of writing this report, furthermore, interviewed experts had several major concerns and objections regarding the present process of developing the repository:

- Teachers and CSO representatives felt insufficiently engaged during the development of the repository.<sup>6</sup> They argued that they neither received any information from the ministry about the repository, nor were invited to contribute to the process with their ideas and experience.<sup>7</sup>
- According to the ministry, the process involved user testing in Spring 2019 on the sample of schools and representatives from education, government, and civil society, and the resulting feedback informed further development.<sup>8</sup> However, no information is publicly available to support this claim.
- Some interviewed CSO representatives also raised the question of incentives and quality control of educational resources,<sup>9</sup> arguing that “if they are to be of excellent quality, they need to be paid for”.<sup>10</sup> The ministry stated that they plan to offer fees to teachers for creating open educational content and organize training for them.<sup>11</sup>
- Other interviewees also called for a greater focus on increasing teachers’ awareness of open licenses, as “the understanding of the importance of stating the type of license of educational resources is limited”.<sup>12</sup>
- Finally, as was mentioned in relation to open-source software (OSS) commitments, some interviewees expressed disappointment that the repository does not use OSS.<sup>13</sup>

**Commitment 29:** “Encourage translation or dubbing of freely available educational resources into the state language or minority languages (especially videos and short films) appropriate from the perspective of the state educational program.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 29 was closely related to Commitment 28, as the repository needs to be filled with useful educational resources to attract users. At the time of writing this report (October 2019), the largest number of publicly available materials in the repository is for nurseries (1,491), and materials related to natural sciences subjects for both grammar and high schools (1,090). The materials for nurseries are available in English and Hungarian. The ministry claimed that they also translated and dubbed materials to minority Romani and Ruthenian languages,<sup>14</sup> but the IRM researcher was unable to locate these. The ministry also secured the translation of more than 5,000 mathematics educational resources from Finland. However, the working group argued that they are intended only for 1<sup>st</sup> and 2<sup>nd</sup>-year grammar schools' pupils. Since the text of the commitment does not state the scope of translating and dubbing efforts, it is difficult to judge how many resources need to be translated or dubbed for the commitment to be considered fully complete. The repository also does not make clear which resources were created entirely locally and which were taken from abroad.

Moreover, the working group pointed to the problematic licensing, with these publicly available materials not being open in its strict legal sense. Some materials are publicly available to everyone without a requirement to be registered. In addition, more than 2,000 materials are available to registered administrators, teachers, and students based on the conditions of licenses.<sup>15</sup> However, the users (at least unregistered ones) might not entirely understand under what licensing conditions the materials can be used, because the metadata for materials does not include license information. Some of the interviewees mentioned this as problematic.<sup>16</sup>

Given the above, while the commitment might have increased the number of educational resources, it can be concluded that the commitment has contributed to open education only marginally.

**Commitment 31:** “Submit to the Government the legislative proposals which will introduce specific rules for open publication and the obligation to provide free access of selected publicly funded publications through the repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

The legal obligations in Commitment 31 could improve current open education practices, and several stakeholders interviewed for the IRM Design Report stated that this measure might substantially advance access to scientific outputs.<sup>17</sup> However, the commitment's completion was only limited. In April 2018, the government approved the amendment of the Act on Higher Education Institutions (HEIs),<sup>18</sup> which removed legislative obstacles to publish theses and dissertations in the Central Registry of Theses and Dissertations under open licenses. The parliament approved the act later that year.<sup>19</sup> However, removing legislative obstacles to be able to publish under open licenses falls behind the initial ambitions to introduce the obligation to provide free access to selected publicly funded publications. If publishing under open licenses remains voluntary and is not accompanied by a wide awareness-raising campaign on why open access matters, the newly introduced legislative changes are unlikely to have an impact on open government.

**Commitment 39:** “Establish and operate a repository to provide storage, long-term archiving and access to Slovak scientific and academic publications, research data and gray literature.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Similarly, Commitment 39 could have encouraged open access practices, but was officially postponed because the Slovak Center of Scientific and Technical Information (CVTI) could not meet the deadline. CVTI started planning the repository and drafted a project proposal in 2015, but the Ministry of Education did not approve the project until two years later in 2017.<sup>20</sup> As was stated in the Design Report, the frequent changes at the Ministry of Education during this period could have delayed implementation. The works on the repository are currently at the procurement stage,<sup>21</sup> and the deadline for completing this commitment has been extended. According to interviewed stakeholders, CVTI is inclusive, and there are no concerns that a repository will be developed without input from important stakeholders.

CVTI has also operated three other Central registers: register of publishing activities, of artistic activities, and of theses and dissertations. The representative of CVTI stated that at the moment, these systems are decentralized, which becomes less effective with every additional system. One of the aims of the repository for scientific and academic publications, and research data, is also to ensure the central management of data.<sup>22</sup>

<sup>1</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 8 - Repositories for open educational and scientific resources.

<sup>2</sup> Interview with Zuzana Adamová (Creative Commons Slovensko and University of Trnava), 6 November 2018; Interview with Roman Baranovič (Narnia Grammar School), 26 October 2018; Interview with Ján Gondol' (open education and science expert), 5 November 2018; Email conversation with Jana Feherpataky-Kuzmová (Institute for Active Citizenship), 17 October 2019.

<sup>3</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2017-2019, <https://www.opengovpartnership.org/members/slovak-republic/>

<sup>4</sup> The current version of the repository, <https://viki-test.iedu.sk>

<sup>5</sup> Email conversation with Marián Spišiak (Ministry of Education), 16 September 2019.

<sup>6</sup> The Office of the Plenipotentiary, “Zápisnica zo stretnutia pracovnej skupiny Otvorené vzdelávanie” (Minutes from the meeting of working group on Open Education), <http://bit.ly/2nPTAJk>; and “Zápisnica zo stretnutia pracovnej skupiny Otvorené vzdelávacie zdroje” (Minutes from the meeting of working group on Open Educational Resources), <http://bit.ly/2mEb2Hf> (both in Slovak).

<sup>7</sup> Email conversation with Roman Baranovič (Narnia Grammar School), 10 October 2019; Martin Šechný (teacher and OA activist), 11 October 2019; Jana Feherpataky-Kuzmová (Institute for Active Citizenship), 17 October 2019.

<sup>8</sup> Interview with Jakub Kratochvíl (For Decent Slovakia), 23 August 2019; email conversation with Marián Spišiak (Ministry of Education), 16 September 2019.

<sup>9</sup> Email conversation with Jana Feherpataky-Kuzmová (Institute for Active Citizenship), 17 October 2019.

<sup>10</sup> Interview with Jakub Kratochvíl (For Decent Slovakia), 23 August 2019.

<sup>11</sup> Email conversation with Marián Spišiak (Ministry of Education), 16 September 2019.

<sup>12</sup> Email conversation with Martin Šechný (Teacher and OA activist), 11 October 2019.

<sup>13</sup> Interview with Ján Gondol' (open education and science expert), 5 November 2018; email conversation with Martin Šechný (Teacher and OA activist), 11 October 2019.

<sup>14</sup> Email conversation with Marián Spišiak (Ministry of Education), 16 September 2019.

<sup>15</sup> Email conversation with Marián Spišiak (Ministry of Education), 16 September 2019.

<sup>16</sup> Email conversation with Ján Gondol' (open education and science expert), 10 October 2019.

<sup>17</sup> Interview with Ján Gondol' (open education and science expert), 5 November 2018.

<sup>18</sup> SLOV-LEX (Legal and information portal), Ministry of Justice, “The Act on Higher Education Institutions no. 131/2002 Coll.”, <http://bit.ly/2ofVeEk>; and The Government Office, “Predložené materiály” (The proposed materials), <https://rokovania.gov.sk/RVL/Material/22833/1> (in Slovak)

<sup>19</sup> The National Council of the Slovak Republic, Meeting no. 33 and 34, <https://www.nrsr.sk/web/Default.aspx?sid=schodze/hlasovanie/hlasovanie&ID=40509>; and <https://www.nrsr.sk/web/Default.aspx?sid=schodze/hlasovanie/hlasovanie&ID=40364> (in Slovak)

<sup>20</sup> Interview with Jana Kasáková, Slovak Center of Scientific and Technical Information, 23 August 2019.

<sup>21</sup> The Office of the Plenipotentiary, “Zápisnica zo stretnutia pracovnej skupiny Otvorená veda” (Minutes from the meeting of the working group on Open Access), <http://bit.ly/2mqpaNy> (in Slovak).

<sup>22</sup> Ibid.



## 9. Promote and ensure the use of Creative Commons Attribution license

Some of the commitments in this cluster were carried over from the previous action plan or were proposed to address the problems encountered in the last implementation cycle. For instance, Commitments 11, 12, and 13 in the previous action plan (2015-2017) aimed to enable procuring educational resources in primary and secondary education under CC-BY licenses. Commitment 9's objective in the previous action plan was to map digital educational resources and explore the possibilities of publishing them under CC-BY licenses. However, the process uncovered a highly restrictive nature of the contracts concluded between the Ministry and the authors and publishers. Commitments 27 and 28 directly responds to the problem of the Ministry's limited license rights over the delivered educational resources.

**Commitment 26:** "After the establishment of the repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic, continuously make available open educational resources under the Creative Commons Attribution (CC-BY) public license."

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

As outlined in the IRM Design Report, Commitment 26 could contribute to creating a critical mass of open educational resources<sup>1</sup> available to teachers and the broad public, resolving some of the problems with the repository described above in Commitment 25. However, since that repository has not yet been fully launched, the completion of Commitment 26 is limited. Its contribution to open government will depend on the further implementation and the quantity and quality of published open educational resources.

Moreover, as interviewed stakeholders argued, for this commitment to be successfully completed, the clarity of licensing policies of educational materials published in the repository must be achieved.<sup>2</sup> An open education expert pointed out that there is currently no information about licenses attached or in the metadata, so search engines will also treat these resources as closed.<sup>3</sup>

**Commitment 27:** "Reach out to partners who have provided educational resources after 2008 to the Ministry of Education, Science, Research and Sport of the Slovak Republic or to its directly managed organizations, with a suggestion to make educational resources available under the Creative Commons Attribution (CC-BY) public license."

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Unclear</li> <li>• <b>Potential impact:</b> None.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

The IRM Special Accountability Report for Slovakia's 2015-2017 action plan concluded that the contracts between the Ministry of Education, Science, Research and Sport (hereinafter as Ministry of Education for brevity) and publishers are restrictive and disadvantageous for the ministry, which is often not allowed to publish educational resources under open Creative Commons licenses. Therefore, Commitment 27 in the current action plan, to negotiate with publishers to change

contractual conditions, was a meaningful step to move open education forward. However, it is an internal measure, and per se, its contribution to open government is none. Further, although the commitment can be considered complete since negotiations took place, their outcome preserved the status quo. The mid-term government self-assessment report concluded that publishers “refused to provide or transfer copyrights from the authors” to the ministry as a contracting authority.<sup>4</sup> Zuzana Adamová, a copyright law expert interviewed for the IRM Design Report, stated that as a last resort, the rights could have been settled in exchange for a financial reward if other means were not available.<sup>5</sup>

**Commitment 28:** “Ensure that all contractual relationships for the creation of educational resources funded by public funds under the authority of the Ministry of Education, Science, Research and Sport of the Slovak Republic and its subordinate institutions include the condition of the use of a Creative Commons Attribution (CC-BY) public license.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 28 was proposed to prevent disadvantageous agreements (like those addressed in Commitment 27) in the future. The mid-term government self-assessment report<sup>6</sup> stated the Ministry of Education will propose to include in the prepared draft of the School Act<sup>7</sup> a clause requiring Creative Commons Attribution (CC-BY) open license, per the commitment.<sup>8</sup> That amendment of the School Act came into force on 1 September 2019, but the IRM researcher was not able to find any provision about licensing rules for newly procured educational resources. The completion of the commitment has, thus, been limited, and did not change the status quo.

**Commitment 30:** “Propose and carry out pilot program for ensuring availability of university textbooks and similar publications, as well as and scientific journals published by universities under Creative Commons Attribution (CC-BY) public license through the repository operated by the Ministry of Education, Science, Research and Sport of the Slovak Republic.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 30 is the next step following the launch of the repository and had the potential to increase awareness about Open Access and encourage Open Access practices in academia. As the repository was in its procurement stage only at the time of writing this report (Commitment 39), the pilot program was not started. However, the working group on this topic argued in the mid-term government self-assessment report that there was no need to postpone it and that work with universities can be realized on a continuous basis.<sup>9</sup> The Ministry of Education also claimed to have informed universities that it is desirable to publish all research outputs under open CC-BY licenses.<sup>10</sup> In addition, they published a short article in the same spirit on their website, linking it with the guidance provided by the Center of Scientific and Technical Information.<sup>11</sup> However, more comprehensive and systematic activities and incentives from the ministry are needed to motivate researchers to publish their work under open CC-BY licenses. One post on the ministry’s website is insufficient as an awareness-raising activity or as the pilot the commitment included.

**Commitment 32:** “Analyze the possibility of applying Creative Commons Attribution (CC-BY) public license as standard for selected works mandatorily published in the Central Registry of Theses and Dissertations.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 32 was similarly proposed to increase the number of Open Access publications. The IRM researcher was unable to locate the analysis and, thus, establish whether this commitment is fully completed. The Office of the Plenipotentiary also confirmed that the ministry did not provide them with the analysis.

Although the previously-mentioned (Commitment 31) amendment of the Act on Higher Education Institutions (HEIs)<sup>12</sup> removed legislative obstacles to publish theses and dissertations in the Central register of theses and dissertations under open licenses, it remained a voluntary option, not an obligation. Thus, this change has not led to improvements to open education. The legislative change suggests that there had to be a discussion on a topic (even though the analysis that fed the change is not available). Overall, the recent plagiarism scandal of the Speaker of the Parliament, described in greater detail in the IRM Design Report,<sup>13</sup> has shown that rules ensuring publicly available theses under open CC-BY licenses are important for advancing open education and for holding the authors to account in case of breaching ethical standards.

**Commitment 36:** “Ensure the implementation of public license Creative Commons Attribution (CC-BY) in the relevant documents, methodologies, manuals and procedures in order to increase their usage by authors and other rights holders in the preparation of scientific papers.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 36 was aimed at increasing Open Access (OA) awareness and the number of OA publications. CVTI completed this commitment early on in the implementation cycle by adding CC-BY licensing functions to selected information systems for scientists.<sup>14</sup> Moreover, state grant agencies’ guidelines now include a recommendation (23 October 2017) to use the CC-BY license for the published outputs of the projects supported by these agencies.<sup>15</sup> CVTI has also planned to adopt other measures. However, they are contingent on the completion and launch of the repository for scientific outputs. Thus, the completion of this commitment is substantial, but it has only marginally opened government as of writing this report.

<sup>1</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>.

See Section 9 - Promote and ensure the use of Creative Commons Attribution license.

<sup>2</sup> Email conversation with Ján Gondol’ (open education and science expert), 10 October 2019; and email conversation with Martin Šechný (teacher and OA activist), 11 October 2019.

<sup>3</sup> Email conversation with Ján Gondol’ (open education and science expert), 10 October 2019.

<sup>4</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 27 on page 42).

<sup>5</sup> Interview with Zuzana Adamová (Creative Commons Slovensko and University of Trnava), 6 November 2018.

<sup>6</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 28 on pages 43-44).

<sup>7</sup> SLOV-LEX (Legal and information portal), Ministry of Justice, “Zákon č. 245/2008 Z.z. o výchove a vzdelávaní (školský zákon) a o zmene a doplnení niektorých zákonov” (The Act on Education and Training no. 245/2008 Coll. or School Act shortly), <http://bit.ly/359F6Fp> (in Slovak).

<sup>8</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 28 on pages 43-44).

<sup>9</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 30 on page 47).

<sup>10</sup> Email conversation with Skarlet Ondrejčáková (The Office of the Plenipotentiary), 29 October 2019.

<sup>11</sup> Ministry of Education, “Implementácia otvoreného publikovania v praxi (Open Access)” (Open Access Implementation in Practice), <http://bit.ly/30VVKnNu>, in Slovak.

<sup>12</sup> SLOV-LEX (Legal and information portal), Ministry of Justice, “The Act on Higher Education Institutions no. 131/2002 Coll.”, <http://bit.ly/2ofVeEk> (in Slovak).

<sup>13</sup> The detailed account of the plagiarism scandal is provided in the Design Report. See Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 8 - Repositories for open educational and scientific resources.

<sup>14</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 36 on page 57).

<sup>15</sup> Ministry of Education, “Implementácia otvoreného publikovania v praxi (Open Access)” (Implementing Open Access in Practice), <http://bit.ly/30VVKnNu> (in Slovak).

## 10. Promotion, publication, and review of open educational resources

**Commitment 33:** “Raise awareness of open educational resources among teachers, other educational staff, professional staff in primary and secondary education, as well as pupils and students.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

This commitment was featured in Slovakia’s previous action plan (2015-2017), but saw limited progress.<sup>1</sup> Stakeholders interviewed for the IRM Special Accountability Report raised concerns about “no engagement of teachers and of civil society”.<sup>2</sup> As demonstrated in the IRM Design Report for this current action plan, the Ministry of Education, Science, Research and Sport (hereinafter as Ministry of Education) is unsystematic in its awareness-raising activities, which are often dropped once the project is completed, leaving their sustainability at risk.<sup>3</sup> Therefore, it was useful that this commitment was carried forward to the current action plan.

However, its progress remains limited. The mid-term government self-assessment report cites trainings at schools that include demonstrations of open educational resources.<sup>4</sup> The sources of those resources, however, are not open. E-aktovka<sup>5</sup> and Digitálne vzdelávanie (Digital education)<sup>6</sup> are locked and available only to registered users, which in itself goes against the spirit of open education. Planéta vedomostí (Planet of Knowledge)<sup>7</sup> does make some resources publicly available, but the unclear license policies on how users can reuse material make that material closed by default.

The 2016 IRM Special Accountability Report for the previous action plan concluded that the ministry uses the terms open educational resources and digital resources interchangeably.<sup>8</sup> As the above examples demonstrate, the problem has persisted. That said, it is important to note that the Ministry of Education plans to launch training for teachers and educators on how to use the repository and create digital educational resources.<sup>9</sup> To what extent this training will assist in raising awareness of open educational resources is yet to be seen. As trainings at schools have demonstrated open educational resources, this commitment was coded as having a limited completion and marginal contribution to open government.

**Commitment 34:** “Publish the outcomes of the approval process of educational resources on the website of the Ministry of Education, Science, Research and Sport of the Slovak Republic.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 34 addresses concerns of CSO representatives voiced during the action plan development over a lack of transparency in this approval process.<sup>10</sup> The commitment was completed on 15 May 2017 when the Ministry of Education adopted the Directive no. 22//2017.<sup>11</sup> The directive obliges the ministry to publish the outcomes of the approval process on the public Editorial portal,<sup>12</sup>

along with evaluators' names, their reviews, and a complete approval protocol, and as a result these are being published on the portal. The commitment has increased access to information on the approval process of educational resources, and thus represents a marginal contribution to open government.

**Commitment 42:** “Actively participate in discussion forums, programs and multilateral efforts in Europe and beyond to support the creation, improvement, mutual exchange and reuse of open educational resources; ensure international coordination of the activities in the area.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Unclear</li> <li>• <b>Potential impact:</b> None.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

In the IRM Design Report, Commitment 42 was coded as not clearly relevant to OGP values because its direct impact for local teachers and students was questionable.<sup>13</sup> That said, international collaboration might have indirect positive spillover effects. For example, the participation of the ministerial staff at international events on educational resources might be inspiring and help to transfer some examples of best practices to Slovakia.

However, the IRM researcher found no information about the ministry's participation in international events or collaboration focused on open educational resources. In the mid-term government self-assessment report, the ministry provided an overview of its activities in this area. However, all of them were focused on Open Access and open science, which represented a separate commitment in the previous action plan (commitment 21).<sup>14</sup> Therefore, completion of this commitment has been limited.

<sup>1</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>

<sup>2</sup> Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Vw>

<sup>3</sup> The Design Report provides an example of an unsystematic nature of awareness-raising activities - the project profiles on social networking sites run by the Ministry of Education. The projects E-aktovka (which makes available digital textbooks for teachers and pupils) and an educational resource platform Planéta vedomostí (Planet of Knowledge), which still operate, have not updated their social networking sites since 2014 and 2016 respectively. In such conditions, it is unlikely that the Ministry of Education will be able to create necessary initial traction to attract a critical number of teachers and educators.

<sup>4</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnYh>, (See Commitment 33 on page 50 - 52).

<sup>5</sup> E-aktovka site, <http://www.eaktovka.sk> (in Slovak).

<sup>6</sup> Digital Education site, <http://portal.digitalnevezdelavanie.sk> (in Slovak).

<sup>7</sup> Planet of Knowledge site, <http://planetavedomosti.iedu.sk> (in Slovak).

<sup>8</sup> Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Vw>

<sup>9</sup> Email conversation with Marián Spišiak (Ministry of Education), 16 September 2019.

<sup>10</sup> The Office of the Plenipotentiary, “Správa z regionálnych workshopov k tvorbe Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2016 – 2019” (Report from regional workshops on the development of the OGP action plan 2016-2019), <http://bit.ly/2zslNsy> (in Slovak).

<sup>11</sup> Ministry of Education, “Smernica č. 22/2017, ktorou sa upravuje postup Ministerstva školstva, vedy, výskumu a športu Slovenskej republiky a priamo riadených organizácií pri výbere a posudzovaní didaktických prostriedkov” (Directive no. 22/2017, which governs the process of the Ministry of Education and its subordinate organizations of selecting and approving educational resources), <http://bit.ly/2ANvGS7> (in Slovak).

<sup>12</sup> Editorial portal, <https://edicnyportal.iedu.sk/Reviews> (in Slovak).

<sup>13</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 10 - Promotion, publication, and review for more details.

<sup>14</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>

## 11. Open Access

The focus of all commitments in this cluster is awareness-raising on the topic of Open Access (OA) and introducing measures to advance OA in the Slovak scientific community. The public agency responsible for the implementation of these commitments is mostly the Slovak Center of Scientific and Technical Information (CVTI), which interviewed stakeholders note has the necessary expertise to manage the tasks and is proactive in its efforts.<sup>1</sup>

**Commitment 35:** “To introduce the basic principles of Open Access to scientific publications under a public license under the Operational Program Research and Innovation.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 35 was substantially completed. On 14 August 2018, the Ministry of Education, as the managing authority for the Operational Program Research and Innovation, announced that it would support their grantees in sharing their research outcomes in peer-reviewed journals as OA articles.<sup>2</sup> The ministry encourages both green OA<sup>3</sup> and gold OA<sup>4</sup>, and if grantees of the Operational Program incur any costs from gold OA, these will be reimbursed up to €5,000 in line with detailed guidance provided.<sup>5</sup>

While this is a step forward, the members of the working group with a focus on OA raised two points of concern: that OA should not be voluntary but mandatory,<sup>6</sup> and that the fund availability timeline should reflect the long publication cycle of peer-reviewed articles. The ministry only responded on the first point, stating that change is not likely to happen because its current rules follow EU rules.<sup>7</sup> Despite that, the IRM researcher concludes that the ministry increased access to information on OA to the Operation Program’s applicants.

**Commitment 37:** “Establish Contact Office for Open Access.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Major.</li> </ul>

Commitment 37 was completed early in the implementation period. In June 2016, CVTI established an OA Point of Contact<sup>8</sup> providing practical information, expertise, and financial assistance in implementing open access in Slovakia. The Point of Contact also has an awareness-raising role, and during the implementation cycle regularly carried out awareness activities like conferences<sup>9</sup> and courses, and webinars for librarians and academics.<sup>10</sup> At the time of writing this report, CVTI was planning the conference ‘Open Access: opportunities and challenges’ as a part of their OA week activities.<sup>11</sup> Interviewees in the scientific community praised these activities of the OA Point of Contact.

Given the positive feedback from OA experts and the academic community on the presence of the OA Point of Contact and its activities,<sup>12</sup> this commitment has contributed to a major advancement in open access practice in Slovakia. Prior to the existence of the OA Point of Contact, there were no concerted efforts at the national level in this area. The OA Point of Contact serves as a single point of contact for anything OA-related. Also, since its existence, the OA activities (conferences,

workshops, training) are primarily carried out by the OA Point of Contact. Therefore, it is now easier for academics and researchers interested in OA to navigate available activities.

**Commitment 38:** “Establish conditions for passportization of open research data under a public license and monitor its implementation in practice.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 38 has been substantially completed. As a first step, CVTI launched a sector-wide survey for more than 1,600 universities and research institutions. The main aim of the survey was to learn what research they conduct; whether they cooperate internationally; what data they collect or produce; how they manage, analyze, store, and share the data; and how they publish their research outcomes.<sup>13</sup> The survey was open until 30 April 2018, and 261 institutions completed it.<sup>14</sup>

Results suggested that data management and storage practices vary from institution to institution, and often do not represent a good practice with individual researchers making decisions about where the data will be stored. For example, only 23 out of 261 surveyed institutions stated that they have institutional guidance on data management plans, and only 70 had knowledge of what data are being produced and managed at their premises. Neither sharing research data nor use of open Creative Commons licenses were prevalent.

The IRM Design Report assessed this commitment as having a minor potential to increase publication of research data under open licenses, as it includes a monitoring element.<sup>15</sup> While this commitment’s implementation has been a positive first step, it has not yet demonstrably opened government. The survey results suggest that further awareness-raising activities are needed. CVTI plans to conduct qualitative semi-structured interviews with researchers to get an in-depth perspective on current practices.<sup>16</sup>

**Commitment 40:** “Design systematic benchmarking monitoring mechanisms for the measurement and comparison and propose further analyses related to acquiring, processing and re-use of research data and Open Access scientific publications.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 40 was postponed since it is entirely conditional upon the completion of the repository for scientific and academic outputs. Some limited preparatory work was all that occurred.

**Commitment 41:** “Actively create awareness of the possibilities and advantages of Open Access in the academic community, among educational institutions, but also in the commercial sector, NGOs and among the general public. Also spread awareness about the benefits of open publishing for the Advancement of Science.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> </ul>



<ul style="list-style-type: none"> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Did it Open Government?</b> Major.</li> </ul>
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Commitment 4I aimed to raise awareness about OA in the academic community and was completed. CVTI, in particular, the OA Point of Contact, has been organizing various events and activities on a regular basis. For example, CVTI participates in the Innovative Library in the Digital Era conference annually,<sup>17</sup> and the OA Point of Contact regularly organizes several activities for the academic community as part of the Open Access Week<sup>18</sup> and freely available courses in major Slovak cities.<sup>19</sup> Since 2018, CVTI has organized 10 courses, which were attended by 77 participants. In Bratislava, these courses are in high demand, and the places are always filled in advance. However, in other regions, they were met with low demand. In addition, CVTI conducted five webinars and five workshops. CVTI also has intensive international collaborations, such as the Sponsoring Consortium for Open Access Publishing in Particle Physics (SCOAP<sup>3</sup>)<sup>20</sup> and OpenAIRE-ADVANCE project.<sup>21</sup> Overall, this commitment has been completed and continuously contributes to increasing access to information on OA. The OA Point of Contact makes publicly available all materials from webinars and other events for the benefit of all interested parties.<sup>22</sup>

Although the number and regional coverage of the awareness-raising activities could still be improved, compared to the situation during the previous action plan (2015-2017), it is a notable change which contributed to advancing OA awareness in Slovakia. While the awareness-raising activities prior to the current action plan were aimed at informing the international audience on what had been implemented in Slovakia, the focus has now shifted towards the domestic scientific and research community.

<sup>1</sup> Interview with Zuzana Adamová (Creative Commons Slovensko and University of Trnava), 6 November 2018; Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation. He is also an open education expert), 5 November 2018.

<sup>2</sup> The Operational Program Research and Innovation, "Zlepšenie prístupu k publikačným výstupom v rámci operačného programu Výskum a inovácie: podpora open access" (Improving access to publication outputs under the Research and Innovation Operational Program: Open Access Support), <http://bit.ly/2ARjBev> (in Slovak).

<sup>3</sup> Definition of Green OA by Springer publishing company: "Green OA, also referred to as self-archiving, is the practice of placing a version of an author's manuscript into a repository, making it freely accessible for everyone. The version that can be deposited into a repository is dependent on the funder or publisher. Unlike Gold OA, the copyright for these articles usually sits with the publisher of, or the society affiliated with, the title and there are restrictions as to how the work can be reused", <http://bit.ly/2lxLdK4>

<sup>4</sup> Definition of Gold OA by Springer publishing company: "Gold OA makes the final version of an article freely and permanently accessible for everyone, immediately after publication. Copyright for the article is retained by the authors, and most of the permission barriers are removed. Gold OA articles can be published either in fully OA journals (where all the content is published OA) or hybrid journals (a subscription-based journal that offers an OA option which authors can choose if they wish)", <http://bit.ly/2lxLdK4>

<sup>5</sup> The Operational Program Research and Innovation, "Fact sheet „Otvorený prístup (open access) k vedeckým publikáciám v rámci operačného programu Výskum a inovácie" (fact sheet - Open access to scientific publications under the Research and Innovation Operational Program), <http://bit.ly/35j9Q76> (in Slovak).

<sup>6</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Annex 3 - Commitment 9 on page 111 - 117).

<sup>7</sup> Ibid.

<sup>8</sup> Open Access Point of Contact, Slovak Center of Scientific and Technical Information, <http://openaccess.cvtisr.sk/>

<sup>9</sup> For example, the latest conference organized by the OA Point of Contact was the Open Access OpenAIRE workshop "Budúcnosť vedeckých časopisov je otvorená", <http://bit.ly/2nlHvFH> (in Slovak).

<sup>10</sup> For example, at the time of writing this report, the Slovak Center for Scientific and Technical Information had already organized three webinars in 2019 with the next planned for the end of October. For more detailed information, <https://openaccess.cvtisr.sk/webinare/> (in Slovak).

<sup>11</sup> OA Point of Contact, Slovak Center of Scientific and Technical Information, "Open Access: jeho príležitosti a výzvy" (Open Access: Opportunities and challenges), <http://bit.ly/2m6R7Kf> (in Slovak).

<sup>12</sup> Interview with Zuzana Adamová (Creative Commons Slovensko and University of Trnava), 6 November 2018; Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and E-government of the Slovak Republic as a consultant on OGP commitments during the action plan implementation. He is also an open education expert), 5 November 2018.

<sup>13</sup> The Slovak Center for Scientific and Technical Information, “Prieskum o stave výskumných dát, vedeckých publikácií a súvisiacich informačno-komunikačných technológií na Slovensku” (Survey on the state of research data, scientific publication and related ICTs in Slovakia), <http://bit.ly/31Zw6Rf>, and <http://bit.ly/2LdSqz8> (in Slovak).

<sup>14</sup> The Slovak Center of Scientific and Technical Information, NISPEZ IV website project activities, <http://bit.ly/30Y92B8> (in Slovak).

<sup>15</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section II - Open Access for more details.

<sup>16</sup> Interview with Jana Kasáková, Slovak Center of Scientific and Technical Information, 23 August 2019.

<sup>17</sup> ILIDE Conference, <http://ilideconference.schk.sk/wordpress/>

<sup>18</sup> OA Point of Contact, Slovak Center of Scientific and Technical Information, “Open Access Week”, <https://openaccess.cvtisr.sk/open-access-week-2019/> (in Slovak).

<sup>19</sup> So far, freely available courses took place in major Slovak cities, such as Bratislava, Košice, Banská Bystrica, Nitra, Trenčín, but also smaller university towns of Komárno and Zvolen.

<sup>20</sup> SCOAP3, <https://scoap3.org/>

<sup>21</sup> OpenAIRE, <https://www.openaire.eu/advance/>

<sup>22</sup> OA Point of Contact, Slovak Center of Scientific and Technical Information, section on webinars, <https://openaccess.cvtisr.sk/webinare/> (in Slovak).

## 12. Develop and evaluate policies in a participatory manner

As stated in the IRM Design Report,<sup>1</sup> the topic of participation has been present in all previous Slovakia action plans, and Commitments 43, 45, and 47 were already featured in the first two action plans.<sup>2</sup> The commitments in this cluster aim to create new opportunities for civic participation and embedding participatory processes in the day-to-day operation of public agencies.

**Commitment 43:** “Based on a broad dialogue between central government authorities and the civil society, identify public policies that will be created in a participative manner with civil society representatives.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 43 was completed early in the implementation period, which, in theory, left agencies with sufficient time for thorough participatory processes. The mid-term government self-assessment report provided a list of identified public policies to be developed in a participatory manner at different government agencies,<sup>3</sup> and the list was also published on the website of the Office of the Plenipotentiary.<sup>4</sup> It is not clear from the mid-term government self-assessment report how the list was created. The report states that the policies were identified in cooperation with the Office of the Plenipotentiary. Nonetheless, some policies also clearly reflected the priorities of CSOs in those areas, e.g. the Ministry of Environment’s Environmental policy strategy 2030. Since the extent of dialogue with civil society in creating this list is unclear, the commitment was marked as substantially fulfilled only. However, the list is publicly available, and as such, it has increased access to information marginally, but the most important change would be to finalize those policies in a participatory manner, which is the subject of Commitment 45.

**Commitment 45:** “Create public policies identified in accordance with the recommended material "Guidelines for Engaging the Public in Public Policy Making" in cooperation with civil society representatives.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 45 was substantially completed. Since this commitment involves several central government agencies, it was not possible for the IRM researcher to discuss all identified policies for this report. However, the mid-term government self-assessment report provides a detailed account of policies and how they were developed.<sup>5</sup> Some agencies did develop policies with genuinely participatory processes, which were praised by CSO representatives. Some agencies developed identified policies, but there was no evidence of a participatory nature in the development process. Others did not create identified policies at all. As mentioned in the IRM Design Report, the differences in the extent and quality of participatory processes between public agencies are significant. While some agencies have more experience with participatory processes, others do not.<sup>6</sup> This point remained valid for this commitment, as evidenced by the following examples:

- The Defense Strategy by the Ministry of Defense has not yet been approved,<sup>7</sup> even though many experts have emphasized that the current version from 2005<sup>8</sup> is outdated.<sup>9</sup> The IRM researcher requested evidence of the participatory nature of the strategy’s development, but the ministry has not responded to the request and provided no supporting materials.<sup>10</sup>

- The Ministry of Interior has not yet developed the draft of the new Act on volunteering. The current one is from 2011,<sup>11</sup> and the ministry website does not provide any evidence that the draft is being prepared.<sup>12</sup>
- The Office of the Deputy Prime Minister for Investments and E-government developed the national strategy resulting from the Agenda 2030 in an open and transparent manner.<sup>13</sup> Several regional events with CSO representatives were held and were led by experienced facilitators.<sup>14</sup> One of the facilitators argued that many civil society propositions were included in the final version of the strategy.<sup>15</sup>
- Another good example was the Ministry of Environment’s Environmental policy strategy 2030.<sup>16</sup> Although not all stakeholders were satisfied with the level of influence they had over the outcomes of the policy, they were able to actively participate in all stages. An expert on participatory processes interviewed for this report argued that “those who participated do not necessarily have to be satisfied with everything in the final policy. However, their questions as to why the final policy is written as it is, have to be listened to and answered. They have to know why some comments were accepted, and others discarded”.<sup>17</sup>

Overall, the commitment was substantially completed, with a marginal opening of government practice for participatory policymaking. Although some of the policies were created in a highly participatory manner with all important stakeholders from CSOs at the table, the differences between public agencies in the quality and breadth of processes are too significant to argue that the commitment had higher than a marginal impact on open government.

**Commitment 47:** “Evaluate identified participatory processes of creation and implementation of public policies and disseminate examples of good practice based on this evaluation.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 47 followed Commitment 45 to capture learning from the processes. The Office of the Plenipotentiary provided a detailed account of policies and how they were developed in the mid-term government self-assessment report.<sup>18</sup> The commitment can, thus, be formally assessed as complete. Given that the evaluation is publicly available, the commitment has increased access to information.

However, the usability of that evaluation is unclear, as is the extent to which the relevant CSOs who participated in the processes were invited to contribute to the evaluation and offer their perspective. Concerns about the self-evaluation being an insufficient evaluation mechanism, thus, remain,<sup>19</sup> and the evaluation can only be said to have marginally opened government. An expert on participatory processes argued that it is a very formal evaluation lacking an external independent element.<sup>20</sup> The Office of the Plenipotentiary conducted its analysis on the key issues in participatory processes, e.g., lack of knowledge and skills, and a lack of inter-agency communication.<sup>21</sup>

**Commitment 49:** “Propose a recommendation of internal guidelines on the use of free online tools in participatory creation of public policies.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Unclear</li> <li>• <b>Potential impact:</b> None.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

The IRM Design Report assessed Commitment 49 as not directly relevant to OGP values,<sup>22</sup> as it represents an internal measure to establish what tools will be used for communication with citizens in participatory processes and add the use of free online tools. The IRM researcher argued that, while it might encourage further participation, since commercial companies provide these tools, the government cannot take credit or responsibility for the data shared through these tools. Thus, if used by public agencies, they have to be accompanied by guidelines in order not to infringe other rights. Furthermore, the IRM researcher could not find the published guidelines on the website, and the only evidence of work on the commitment was an announcement of the forthcoming database from April 2018.<sup>23</sup> The Office of the Plenipotentiary reported to the IRM researcher that they found out that many government agencies are not allowed to use these tools as a result of their internal regulations.<sup>24</sup> While the Office of the Plenipotentiary explored how these regulations need to be adjusted, at the moment, the commitment has stalled and been superseded by a forthcoming Common Assessment Framework (CAF) project for quality assessment that will create a platform for the agencies to analyze how they operate and adopt measures for improvements.<sup>25</sup>

**Commitment 63:** “Analyze and evaluate preliminary information and reports on public participation in the process of drafting and commenting on draft legislation.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Major.</li> </ul>

Commitment 63 differed from Commitment 47 in that it aimed to address a gap in knowledge of the extent to which the public can participate in *legislative* processes and how agencies fulfill their obligations for legislative participation. Specifically, it focused on two obligations for legislative participation: the release of ‘preliminary information’ (to proactively inform the public of upcoming development of legislation to allow them to participate) and the ‘report on public participation’ (to verify that legislation was developed consensually with the support of the public). The commitment was completed early on in the implementation cycle. The Office of the Plenipotentiary, with the Ministry of Justice, monitored preliminary information and reports on public participation for six months in 2016.<sup>26</sup> A similar report was published for the year 2017.<sup>27</sup> Overall, the findings from the analyses shed light on where government agencies need to improve their practices in publishing preliminary information and reports on public participation, which is an area that previously has not been systematically monitored. Some of its more relevant findings are as follows:

- The legal obligation to publish preliminary information was fulfilled in fewer (111) cases than not (144).
- In most cases, the period between publishing preliminary information and the official public comment period was insufficient. In 17 cases, it was less than 15 days.
- More favorably, 234 cases fulfilled the obligation of publishing the report on public participation, against 71 cases with an unfulfilled obligation.
- More and more agencies are using criteria for evaluating participatory processes created by the Office of the Plenipotentiary, criteria that were criticized for lack of external independent evaluation in the IRM Special Accountability Report for the second action plan.<sup>28</sup> While some of those agencies submitted reports that were *more* detailed, others provided very limited information. Therefore, further research into the impacts of the introduced official criteria would be beneficial.

The findings have already informed several important documents, such as the Methodological Guidelines for the Reports on Public Participation,<sup>29</sup> implying a major opening of government.

**Commitment 64:** “Analyze and evaluate the effectiveness of the Electronic Collective Petition.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 64 analyzed the limited use of collective e-petitions. Since their launch in 2015,<sup>30</sup> only one e-petition was submitted, and it was not considered as its matter was assessed as being outside of the competencies of the Government Office.<sup>31</sup> The Office of the Plenipotentiary published a brief analysis in the mid-term government self-assessment report,<sup>32</sup> formally completing the commitment. However, the analysis did not reveal any new findings, rather it only repeated what was already mentioned in the 2016 IRM Special Accountability Report, i.e., awareness is low, pre-existing platforms saturate the demand, and the required number of signatures (15,000) is too high.

Overall, the commitment did not change the status quo, as it did not lead to any changes in the current e-petitioning practices.

<sup>1</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 12 - Develop and evaluate policies in a participatory manner for more details.

<sup>2</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic, <https://www.opengovpartnership.org/members/slovak-republic/>, and The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>

<sup>3</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 43 on page 64 - 67).

<sup>4</sup> The Office of the Plenipotentiary, “Participatívne tvorené verejné politiky na národnej úrovni” (Public policies developed in a participatory manner at the national level), <http://bit.ly/2OAUgxB> (in Slovak).

<sup>5</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 47 on page 73 - 79).

<sup>6</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 12 - Develop and evaluate policies in a participatory manner for more details.

<sup>7</sup> The Slovak Spectator, “Ruling parties split over attitude to Russia”, <http://bit.ly/2lziUew>

<sup>8</sup> Ministry of Defense, “Obranná stratégia Slovenskej republiky” (The Defense Strategy of the Slovak Republic), <http://bit.ly/30VWjucs> (in Slovak).

<sup>9</sup> Jozef Lužák a Ľubomír Kláčko, Globsec. “Audit bezpečnostného systému SR v kontexte hybridných hrozieb” (Audit of the Slovak security system in the context of hybrid threats), <http://bit.ly/2IBXq0d> (in Slovak).

<sup>10</sup> Email sent to the Ministry of Defense by IRM researcher, 10 October 2019 (available upon request).

<sup>11</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, “Zákon č. 406/2011 Z.z. o dobrovoľníctve a o zmene a doplnení niektorých zákonov” (Act no. 406/2011 on volunteering), <http://bit.ly/32a8xVd> (in Slovak).

<sup>12</sup> Ministry of Interior, website search results, <http://bit.ly/2OE6lfU> (in Slovak)

<sup>13</sup> The Office of the Deputy Prime Minister for Investments and E-government, “Možnosti participácie” (Opportunities for participation), <http://bit.ly/31YXILH> (in Slovak).

<sup>14</sup> The events were facilitated by the Partners for Democratic Change Slovakia.

<sup>15</sup> Interview with Karolína Miková (PDCS), 9 November 2018.

<sup>16</sup> Ministry of Environment, “Envirostratégia 2030” (Environmental Strategy 2030), <http://bit.ly/2Mq0NIP> (in Slovak).

<sup>17</sup> Interview with Karolína Miková (PDCS), 9 November 2018.

<sup>18</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 47 on page 73 - 79).

<sup>19</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 12 - Develop and evaluate policies in a participatory manner for more details.

<sup>20</sup> Interview with Karolína Miková (PDCS), 9 November 2018.

<sup>21</sup> The Office of the Plenipotentiary, “Analyzovali sme vybrané participatívne politiky na úrovni štátnej správy” (We analyzed selected public policies developed in a participatory manner), <http://bit.ly/2nYMvq7> (in Slovak).

<sup>22</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 12 - Develop and evaluate policies in a participatory manner for more details.

<sup>23</sup> The Office of the Plenipotentiary, “Elektronická databáza e-nástrojov na podporu participácie” (Electronic database of online tools to support participation), <http://bit.ly/2oihRbT> (in Slovak).

<sup>24</sup> Email conversation with Skarlet Ondrejčáková (The Office of the Plenipotentiary), 29 October 2019.

<sup>25</sup> Ibid.

<sup>26</sup> The Office of the Plenipotentiary, “Analýza zverejňovania správ o účasti verejnosti a predbežných informácií za rok 2016” (Analysis on the publication of preliminary information and reports on public participation for the year 2016), <http://bit.ly/323f2tQ> (in Slovak).

<sup>27</sup> The Office of the Plenipotentiary, “Analýza zverejňovania správ o účasti verejnosti a predbežných informácií za rok 2017” (Analysis on the publication of preliminary information and reports on public participation for the year 2017), <http://bit.ly/2lAs3Dq> (in Slovak).

<sup>28</sup> Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Ws>

<sup>29</sup> The Office of the Plenipotentiary, “Metodické usmernenie pre Správu o účasti verejnosti na tvorbe právneho predpisu” (Methodological Guidelines for the Reports on Public Participation in Legislation), <http://bit.ly/2Oz4AX4> (in Slovak).

<sup>30</sup> E-petitions, <https://open.slovensko.sk/hromadneziadosti> (in Slovak).

<sup>31</sup> Collective e-petitions, “Neschválená EHŽ – Deň víťazstva nad korupciou” (Unapproved Petition – Victory Day over Corruption), <http://bit.ly/2p5klds> (in Slovak).

<sup>32</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Commitment 64 on page 98).

### 13. Raise awareness about participatory policymaking

Commitments in this cluster are related to the commitments in the previous cluster and aim for “creating favorable conditions for public servants to be able to lead meaningful participatory processes”.<sup>1</sup>

**Commitment 44:** “Organize trainings in the area of involving the public in the creation of public policies for public servants who will participate in the creation of public policies that have been identified.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Under Commitment 44, trainings were organized on a regular basis. For example, in July 2017, the Office of the Plenipotentiary trained public servants who are in charge of participatory processes at their agencies,<sup>2</sup> and more training is in the pipeline. The training participants represented the agencies where public policy issues were selected for participatory consultations in the framework of Commitment 43. The commitment can be considered fully implemented. Interviewees agreed that training is essential and can improve the quality of participatory processes in the future,<sup>3</sup> even though it has not clearly done so yet. One CSO representative said some public servants still perceive engaging citizens as a “complication”, which delays implementation,<sup>4</sup> and training can help change this view. An expert in participatory processes stated that training is particularly powerful if delivered by public servants who developed policies in a participatory manner and found the process useful. She argued that these public servants could act as agents of change.<sup>5</sup> Another CSO representative added that while training is useful, public agencies also need to be allocated sufficient funds to be able to run and strengthen participatory processes at their institutions.<sup>6</sup>

**Commitment 46:** “Conduct workshops focused on the exchange of experiences among government employees who participate in the creation of the identified public policies.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 46 was also fully implemented. The Office of the Plenipotentiary organized 11 workshops over two years.<sup>7</sup> Two workshops were organized in the capital Bratislava. The rest took place in smaller towns across Slovakia, which is important given concerns that CSOs in regions have fewer opportunities for sustainable development and further education. The majority of the workshops were open for both public servants and CSO representatives. Different aspects of participatory processes were discussed.

The availability of opportunities for further education in this area for public servants can improve the quality of participatory processes in the long run, even if, like the previous commitment and outlined in the previous section, that quality has not yet systematically improved. An interviewed ministry representative stated that civic engagement increases the quality of policies.<sup>8</sup> His colleague from another ministry added that, normally, it also leads to smoother policy adoption in the final stage and its public acceptance and support.<sup>9</sup> Therefore, training and workshops for public servants have great importance. Official awareness raising on the availability of training could be strengthened, as one public servant who attended the training mentioned that she learned about them through word of mouth, rather than through the official communication.<sup>10</sup>



**Commitment 48:** “Promote partnership and dialogue between public authorities, citizens and NGOs at national, regional and local level in the area of participatory public policymaking.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Major.</li> </ul>

Commitment 48 was also implemented. Under the project “Participation”, which is funded by the Operational Program Effective Public Administration, the Office of the Plenipotentiary is able to realize many activities that also contribute to the fulfillment of OGP commitments in participatory policymaking.<sup>11</sup> A detailed account of activities realized as part of this project is available on the website of the Office of the Plenipotentiary.<sup>12</sup> Activities included workshops, training, simulations of participatory budgeting at schools<sup>13</sup>, strategies<sup>14</sup>, publications<sup>15</sup>, legislation mapping<sup>16</sup> and many others. The commitment has, therefore, created several opportunities for civic engagement across different age groups.

There is extensive evidence that publications and strategies were created in a participatory manner with representation from CSOs and public administrations on both the national and local levels. It is too early to assess the contributions of these strategies and publications, but several activities under the “Participation” project can be assessed as having had major contributions to open government. For example, the participatory project<sup>17</sup> in the capital city Bratislava to develop a new plan for the use of two major city center squares managed to engage important actors, such as flat owners, tenants, company owners, foreign and domestic visitors, workers, and pedestrians. The municipality of Bratislava, in cooperation with Slovak Governance Institute who implemented the project, incorporated the feedback it received into the detailed materials for the ongoing architectural competition<sup>18</sup>. Another example has been the formalized cooperation between the Office of the Plenipotentiary and a major Slovak university (Comenius University, in particular, its Faculty of Arts) to run a course entitled Public Policies in Slovakia, which includes innovative teaching approaches about participatory policy making.<sup>19</sup>

**Commitment 50:** “Create learning tools in the field of participation.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 50 was completed as part of the above-mentioned national project “Participation”. The Office of the Plenipotentiary created a pilot educational program for high school students in the Trenčín region with a focus on participatory budgeting.<sup>20</sup> Students of 16 schools<sup>21</sup> received training on participatory budgeting and then simulated its idea in the school environment in a detailed course, documented on the project website.<sup>22</sup> The project has created an opportunity for young people to engage with their environment and equipped them with skills to induce a social change, especially since participatory budgeting is already common practice in several municipalities in Slovakia.<sup>23</sup> Stakeholders interviewed for the IRM Design Report<sup>24</sup> agreed that creating, promoting, and using educational tools for participation are useful measures that can encourage civic engagement.

**Commitment 51:** “Use educational tools about participation in formal education using informal learning methods.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

To some extent, Commitment 51 has been completed through the pilot project described above. However, it was not clear whether the program will become an accredited, formal training for high school students,<sup>25</sup> as the commitment text specifies. The Office of the Plenipotentiary confirmed that it would organize a meeting with the Ministry of Education's section for regional education to discuss the possibility of introducing the project on participatory budgeting into formal education.<sup>26</sup>

**Commitment 52:** "Develop recommendations for embedding participatory processes into organizational processes, internal guidelines and other documents for the needs of central government bodies."

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 52 was created to address an inconsistent approach to participatory processes across different government agencies. As emphasized in the IRM Design Report, if these recommendations were followed, they could make participatory processes more transparent and predictable for the public, making engagement easier.<sup>27</sup> At the time of writing this report, the progress of this commitment was limited. The Office of the Plenipotentiary requested the Government Office to postpone the deadline for this task until 31 December 2020. The recommendations will be one of the outputs of the national project Participation.<sup>28</sup> So far, the Office of the Plenipotentiary has only drafted a document that explored for which public servants the knowledge of participatory processes is indispensable.<sup>29</sup>

<sup>1</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 13 - Raise awareness about participatory policymaking for more details.

<sup>2</sup> The Office of the Plenipotentiary, "Organizovali sme semináre na tému participatívnej tvorby verejných politík" (We organized seminars on the topic of participatory processes in policymaking), <http://bit.ly/2AYOrCc> (in Slovak).

<sup>3</sup> Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018; interview with Karolína Miková (PDCS), 9 November 2018; skype interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018.

<sup>4</sup> Skype interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018.

<sup>5</sup> Interview with Karolína Miková (PDCS), 9 November 2018.

<sup>6</sup> Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018.

<sup>7</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKInVh>, (See Commitment 46 on page 70 - 72).

<sup>8</sup> Interview with a ministry representative who wished to remain anonymous, 6 November 2018.

<sup>9</sup> Interview with a ministry representative who wished to remain anonymous, 6 November 2018.

<sup>10</sup> Email conversation with Monika Filipová (Ministry of Interior), 7 December 2018.

<sup>11</sup> The Office of the Plenipotentiary, "Národný projekt Podpora partnerstva a dialógu v oblasti participatívnej tvorby verejných politík" (National project Supporting partnership and dialogue in participatory processes in policymaking), <http://bit.ly/2IE5duq> (in Slovak).

<sup>12</sup> The Office of the Plenipotentiary, "Aktuality – Národný projekt Participácia" (News – National project Participation), <http://bit.ly/2MvcpCq> (in Slovak).

<sup>13</sup> The Office of the Plenipotentiary, "Participatívny rozpočet na školách v Trenčianskom samosprávnom kraji" (Participatory budgeting on schools in Trenčín's region), <http://bit.ly/33I60IB> (in Slovak).

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- <sup>14</sup> The Office of the Plenipotentiary, “Svidník pre všetkých - stratégia inklúzie znevýhodnených skupín vo Svidníku” (Svidník for all – strategy for the inclusion of disadvantaged groups in Svidník), <http://bit.ly/2vp8l4A> and “Stratégia prístupnosti mesta Nitra pre všetkých” (Nitra Accessibility Strategy for All), <http://bit.ly/39Y7Vqy> (in Slovak) – just to mention a few.
- <sup>15</sup> The Office of the Plenipotentiary, “Prehľad ekonomických prínosov participácie” (Overview of economic benefits of participation), <http://bit.ly/2WiDDuD> and “Filozofické a pojmové ukotvenie participácie” (Philosophical and conceptual anchoring of participation), <http://bit.ly/2TTfRU6> and “Analytický rámec pre plánovanie a hodnotenie projektov verejnej participácie” (Analytical framework for project planning and evaluation of participatory projects), <http://bit.ly/33lelyl> (in Slovak) – just to mention a few.
- <sup>16</sup> The Office of the Plenipotentiary, “Analýza existujúcich participatívnych nástrojov v slovenskom legislatívnom rámci na všetkých úrovniach VS” (Analysis of existing participatory instruments in the Slovak legislative framework at all levels of PA), <http://bit.ly/39VWEaGz> and “Analýza bariér v súčasnej legislatíve, ktoré majú negatívny vplyv na mieru participácie verejnosti na správe vecí verejných na všetkých úrovniach VS” (Analysis of barriers in current legislation that have a negative impact on the level of public participation in governance at all levels of PA), <http://bit.ly/2UdMue7> and “Analýza existujúcich účinných a inovatívnych participatívnych nástrojov v zahraničí, ktoré je možné zakotviť do slovenského právneho rámca” (Analysis of existing effective and innovative participatory instruments abroad that can be incorporated in the Slovak legal framework), <http://bit.ly/2VgrVjV> (in Slovak).
- <sup>17</sup> The Office of the Plenipotentiary, “Participáciou k živému námestiu” (Towards a lively city square through participatory processes), <http://bit.ly/2QI76jP> (in Slovak).
- <sup>18</sup> The City of Bratislava, “Vyhlasujeme súťaž na „Živé námestie“” (We launched a competition “Living square”), <http://bit.ly/3b058wT>
- <sup>19</sup> For more information, please see: The Office of the Plenipotentiary, “Uskutočnila sa prvá prednáška nového predmetu „Verejná politika na Slovensku“”, <http://bit.ly/33m28ll> (in Slovak).
- <sup>20</sup> The Office of the Plenipotentiary, “Participatívny rozpočet na školách v Trenčianskom samosprávnom kraji” (Participatory budgeting on schools in Trenčín’s region), <http://bit.ly/33l60lB> (in Slovak).
- <sup>21</sup> The list of participating schools, <http://bit.ly/2MwVWkK> (in Slovak).
- <sup>22</sup> The Office of the Plenipotentiary, “Participatívny rozpočet na školách v Trenčianskom samosprávnom kraji” (Participatory budgeting on schools in Trenčín’s region), <http://bit.ly/33l60lB> (in Slovak).
- <sup>23</sup> The following are randomly selected examples of participatory budgeting in Slovak municipalities, but there are many more. PB in Bratislava-Nové Mesto: <http://bit.ly/2B2Zpqj>, PB in Trnava: <http://pr.trnava.sk/>, PB in Lučenec <http://bit.ly/2B1hnjA>, PB in Nové Zámky: <http://bit.ly/35m0hUN>, PB in Trebišov: <https://www.trebisov.sk/hlasobcanov> (in Slovak).
- <sup>24</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 13 - Raise awareness about participatory policymaking for more details.
- <sup>25</sup> Ministry of Education, “Informačný systém ďalšieho vzdelávania” (Further education information system), <http://isdv.iedu.sk/> (in Slovak).
- <sup>26</sup> Email conversation with Lucia Lacika (The Office of the Plenipotentiary), 29 October 2019.
- <sup>27</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 13 - Raise awareness about participatory policymaking for more details.
- <sup>28</sup> Email conversation with Skarlet Ondrejčáková (The Office of the Plenipotentiary), 29 October 2019.
- <sup>29</sup> Zora Pauliniová, The Office of the Plenipotentiary, “Profil absolventa/absolventky vzdelávacieho programu” (Graduate’s profile), <http://bit.ly/32VXEY9> (in Slovak).

## 14. Improve judiciary

The commitments in this cluster aimed to improve judiciary from different perspectives. Commitments to improve the judiciary were also featured in previous action plans.<sup>1</sup> The government has also pledged to improve the way judges are evaluated in its manifesto.<sup>2</sup>

**Commitment 53:** “Reassess the implementation of the publication of assessments of judges in terms of the clarity and making further analysis easier.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Major.</li> </ul>

Commitment 53 built on previous efforts to improve transparency of Slovakia’s judiciary. In the previous action plan (2015-2017), the Ministry of Justice committed to preparing a legislative proposal to make evaluations of judges publicly available,<sup>3</sup> but due to parliamentary elections in 2016, it was not sensible to put the draft forward at that time. Therefore, the commitment was carried forward, and a complex legislative proposal, which obliged evaluators to publish evaluations, was enforced in 2018.<sup>4</sup> Since then, qualitative evaluations of judges have been publicly available on the website of the Ministry of Justice<sup>5</sup> in addition to previously available quantitative assessments.<sup>6</sup> In the mid-term government self-assessment report, Transparency International Slovakia (TIS) welcomed these changes,<sup>7</sup> while noting that some active judges are inaccurately listed as inactive. Still, the commitment has increased the transparency in evaluating judges and access to information on their performance in a major way.

Compared to previously available quantitative assessments, qualitative evaluations provide more fine-grained information on judges’ performance. For instance, the evaluations consist of the President of the Court testimonial, previous evaluations, Opinion of the Judicial Council of the Regional Court on Compliance with the Principles of Judicial Ethics, Opinion of the President of the Civil Collegium of the Slovak Supreme Court, and other information and assessments, which previously were unavailable to the public. The evaluations could prove useful in the latest corruption scandals in the judiciary, as they provide anti-corruption CSOs and investigative journalists with additional information on the judges in question. As a result of these transparency measures, anyone can explore how judges who published favorable judicial decisions in the case of Marián Kočner, who has been accused of ordering the murder of investigative journalist Ján Kuciak, were evaluated and who signed off on the assessment. Therefore, the public availability of evaluations and the names of evaluators can help uncover and better understand potential ties between judges.

**Commitment 54:** “Specify which court decisions do not need to be published.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 54 addressed the problem of inconsistent publication of judicial decisions. In 2016, TIS pointed to the vast number of judicial decisions that were not published despite legal requirements to do so.<sup>8</sup> The previous action plan<sup>9</sup> responded to this problem by analyzing the publication of judicial decisions and proposing recommendations,<sup>10</sup> one of which was the need for the current Commitment 54.<sup>11</sup>

On 1 January 2017, Act no. 757/2004 on the courts was amended.<sup>12</sup> Section 82a on publishing judicial decisions, subsection 2, stated that the courts no longer publish payment orders and judicial decisions given in proceedings in which the public has been excluded from the hearing for all or part of the hearing. TIS praised this legislative change as a means “to avoid disclosure [of payments orders] ... where court staff spends time unnecessarily on anonymizing data to the detriment of other tasks”.<sup>13</sup> However, they added that despite the change, some courts still continue to publish payment orders; in the first year of implementation, 36,056 payment orders were published. The IRM researcher used the Ministry of Justice search engine and concluded that some courts still publish payment orders two years after the amendment was implemented.<sup>14</sup> TIS made a case in the mid-term government self-assessment report that awareness-raising activities for courts must follow legislative changes.<sup>15</sup>

Thus, the commitment has been formally completed. However, while the outcome of the commitment was positive, as it led to freeing some courts’ resources up, the commitment did not increase access to information in any way.

**Commitment 55:** “Specify the types of submissions that are appropriate to formalize, design standardized forms for selected submissions, and publish the standardized submissions electronically at the website of the Ministry of Justice of the Slovak Republic, the central public administration portal and the Slov-Lex legal and information portal.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Unclear</li> <li>• <b>Potential impact:</b> None.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 55 is related to the previous commitment and also built on the conclusions of the Analysis of the Publication of Judicial Decisions.<sup>16</sup> Its main aim was to ensure consistency in publishing judicial submissions. As of the latest update from the Office of the Plenipotentiary from January 2019, work on standardized forms is ongoing.<sup>17</sup> When interviewed, the OGP Point of Contact stated that the content of standardized forms for judicial submissions in civil and administrative court proceedings was proposed and published on the Ministry of Justice’s website in 2017.<sup>18</sup> The Ministry of Justice worked on the standardized e-forms for different submissions, for example, an appeal, a claim to secure the evidence, a legal action/claim for bringing a case to court, etc. The forms were initially available in the testing phase only<sup>19</sup>. Now they are fully functional,<sup>20</sup> completing the commitment. As for the contribution to open government, however, this was an inward-facing measure improving the effectiveness of the judiciary without a significant direct impact on access to information or other OGP values.

**Commitment 56:** “In a participatory manner, prepare draft legislative changes to determine the authority to supervise the fluency of disciplinary proceedings and to ensure a rigorous, swift and effective application of the disciplinary responsibility of judges and submit them to the Government.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation, Public accountability</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 56 mainly aimed to effectively apply the disciplinary responsibility of judges. The amendment of the Act on Judges and Assessors no. 385/2000<sup>21</sup> in section 119, subsections 5 and 6, specified that the Judicial Council would oversee disciplinary procedures against judges and impose measures to remedy identified flaws and eliminate their causes. The legislative change was a result of a participatory process at the Ministry of Justice, which created a working group comprising diverse stakeholders. Thus, the commitment was completed. Given the participatory nature of developing the draft legislation, the commitment created new opportunities for public participation.

However, as TIS argued in the mid-term government self-assessment report,<sup>22</sup> the contribution to accountability is marginal, as it deals only with the filed proposal for disciplinary proceedings. The legislative change does not introduce any mechanisms for monitoring compliance with judges' obligations. TIS posited if knowledge about judges violating their duties is missing, proposals for disciplinary proceedings cannot be filed in the first place. This concern is imperative now amid revelations that several judges have been influenced in their decisions by Marián Kočner, who has been accused of ordering the murder of investigative journalist Ján Kuciak.<sup>23</sup>

**Commitment 57:** "In a participatory manner, prepare draft legislative changes to ensure greater public scrutiny of the election of the heads of courts, judges and judicial staff and present them to the Government."

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information, Civic participation</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Major.</li> </ul>

Commitment 57 aimed to increase the transparency of the election of judicial officials. The amendment of the Act on Judges and Assessors no. 385/2000<sup>24</sup> in section 28 prescribed the common selection procedures for judges. For instance, a selection committee consisting of five members suggested by the Judicial Council, the Minister of Justice, and relevant Presidents of Judicial Councils is now in charge of the selection procedure. The amendment has also increased access to information on the selection procedure, as the lists of candidates' 'close persons,' their CVs, and minutes of the selection process are now publicly available.

In the mid-term government self-assessment report, TIS assessed this legislative change as a positive measure preventing nepotism in the judiciary but would have welcomed a broader version to include other judicial staff as well.<sup>25</sup> As an expert on the judiciary stated in his commentary, the adoption of transparency measures in the judiciary has demonstrated to be highly useful, as the judiciary has recently faced high levels of distrust.<sup>26</sup> The leaked Threema communication between Marián Kočner<sup>27</sup> and his alleged collaborators suggests that he had direct links to judges who published favorable judicial decisions in his cases in exchange for money or other benefits. As an expert concluded, although increasing transparency might not help to prevent the manipulation of selection procedures, retrospectively, it can help better understand how they happened and who is responsible for their outcomes.<sup>28</sup>

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- <sup>1</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic, <https://www.opengovpartnership.org/members/slovak-republic/>, and The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>
- <sup>2</sup> The Government Office, The government manifesto (Programové vyhlásenie vlády), <http://bit.ly/2cceHdN> (in Slovak).
- <sup>3</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc> See commitment 29.
- <sup>4</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, “Zákon č. 385/2000 Z.z. o sudcoch a prísediacich a o zmene a doplnení niektorých zákonov” (Act no. 385/2000 Coll. on judges and assessors), <http://bit.ly/3226YcF> (in Slovak).
- <sup>5</sup> Ministry of Justice, Judges’ evaluations (Hodnotenia sudcov), <http://bit.ly/2zYkodM> (In Slovak).
- <sup>6</sup> Ministry of Justice, <https://www.justice.gov.sk/rsvs/> (in Slovak).
- <sup>7</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Commitment 53 on page 85).
- <sup>8</sup> Transparency International Slovakia, “Desaťtisíce rozhodnutí súdy aj napriek zákonu nezverejňujú” (Ten thousand judicial decisions are not published despite this being a legal obligation), <http://bit.ly/2aMWnZP> (in Slovak).
- <sup>9</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, see Commitment 30 on page 21, <http://bit.ly/2RevqCc>
- <sup>10</sup> The Office of the Plenipotentiary, “Analýza zverejňovania súdnych rozhodnutí” (The Analysis of the Publication of Judicial Decisions), <http://bit.ly/2psugZR> (in Slovak).
- <sup>11</sup> Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Ws>
- <sup>12</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, “Zákon č. 757/2004 Z.z. o súdoch a o zmene a doplnení niektorých zákonov” (Act no. 757/2004 on courts), <http://bit.ly/2MDIHBE> (in Slovak).
- <sup>13</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Commitment 54 on page 86).
- <sup>14</sup> Ministry of Justice, “Rozhodnutia” (Decisions), <http://bit.ly/2MaPWUa> (in Slovak).
- <sup>15</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Commitment 54 on page 86).
- <sup>16</sup> The Office of the Plenipotentiary, “Analýza zverejňovania súdnych rozhodnutí” (The Analysis of the Publication of Judicial Decisions), <http://bit.ly/2psugZR> (in Slovak).
- <sup>17</sup> Trello, update on commitment 55, <http://bit.ly/2VA9xjP> (in Slovak).
- <sup>18</sup> Ministry of Justice, <https://obcan.justice.sk/ezaloby> (in Slovak).
- <sup>19</sup> Email conversation with Skarlet Ondrejčáková (The Office of the Plenipotentiary), 29 October 2019.
- <sup>20</sup> Ministry of Justice, list of e-forms, <http://bit.ly/2qNwF2O> (in Slovak).
- <sup>21</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, “Zákon č. 385/2000 Z.z. o sudcoch a prísediacich a o zmene a doplnení niektorých zákonov” (Act no. 385/2000 Coll. on judges and assessors), <http://bit.ly/3226YcF> (in Slovak).
- <sup>22</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Commitment 56 on page 88).
- <sup>23</sup> The Slovak Spectator, Marian Kočner has been charged in the case of Kuciak’s murder, <http://bit.ly/2og9jCl>
- <sup>24</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, “Zákon č. 385/2000 Z.z. o sudcoch a prísediacich a o zmene a doplnení niektorých zákonov” (Act no. 385/2000 Coll. on judges and assessors), <http://bit.ly/3226YcF> (in Slovak).
- <sup>25</sup> The Office of the Plenipotentiary, Mid-term government self-assessment report, <http://bit.ly/2LKlnVh>, (See Commitment 57 on page 89).
- <sup>26</sup> Samuel Spáč, Sme.sk, “Maruniakovú vybrali Sádovský a Sopoliga” (Sádovský a Sopoliga selected Maruniaková), <http://bit.ly/2Mu3tFa> (in Slovak).
- <sup>27</sup> The Slovak Spectator, Marian Kočner has been charged in the case of Kuciak’s murder, <http://bit.ly/2og9jCl>
- <sup>28</sup> Samuel Spáč, Sme.sk, “Maruniakovú vybrali Sádovský a Sopoliga” (Sádovský a Sopoliga selected Maruniaková), <http://bit.ly/2Mu3tFa> (in Slovak).

## 15. Improve prosecutors

**Commitment 58:** “Prepare and submit to the Government a draft of the Act amending Act No. 154/2001 Coll. on prosecutors and Lawyers of the Public Prosecutor's, that will ensure the publication of the seat of office of individual prosecutors”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 58 aimed to increase access to information on prosecutors and also builds on previous efforts. Slovakia's second action plan (2015-2017) included a commitment (31) to prepare a legislative proposal to publish the list of prosecutors' names.<sup>1</sup> That commitment was completed, and since then, the list has been available on the Prosecutor General's Office's website and has been regularly updated.<sup>2</sup> The Group of States Against Corruption (GRECO) and the Council of Europe (CoE) welcomed this change in their latest report.<sup>3</sup> However, the IRM Special Accountability Report concluded that the quality of lists was not sufficient and was full of ambiguities.<sup>4</sup> Therefore, additional identifying information, such as the official seat of prosecutors (this commitment), was needed.

In April 2019, during the official public comment period for the draft Act no. 154/2001 on prosecutors and prosecutor candidates, the Office of the Plenipotentiary, together with a CSO Via Iuris, submitted substantial comments.<sup>5</sup> One of them was a requirement for the Prosecutor General's Office to disclose the seat of prosecutors. The comment was accepted, and this obligation is now included in the act on prosecutors and prosecutor candidates.<sup>6</sup> The commitment has therefore increased access to information about prosecutors.

**Commitment 59:** “Create draft legislation to extend the right to recommend candidates for the post of Attorney-General”.

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Unclear</li> <li>• <b>Potential impact:</b> None.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Not Started.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

Commitment 59 aimed to address the overly political nature of the appointment of the Attorney General by allowing legal professionals to recommend candidates. As stated in the Design Report, the nominees for the Attorney General are currently proposed by MPs.<sup>7</sup> However, the commitment was not directly relevant to OGP values, as it was an inward-facing measure that neither increases access to information nor creates opportunities for civic engagement.

The implementation of commitment has not yet started. The Office of the Plenipotentiary concluded that this commitment could be fulfilled only by changing the National Council's Rules of Procedure due to the complex nature of the selection procedure of the Attorney General. However, currently, there is no political will to make these changes.<sup>8</sup> Thus, it is unlikely that the implementation of the commitment will move forward before the upcoming general election in 2020.



**Commitment 60:** “In a participatory manner, conduct an analysis of disciplinary proceedings in prosecutors’ affairs and create draft legislative changes in order to increase the transparency of these disciplinary proceedings.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation, Public accountability</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

**Commitment 61:** “In a participatory manner, analyze the selection procedures for the prosecutor’s office, including draft legislative changes, in order to increase their transparency.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

As noted in the IRM Design Report, and repeatedly by Transparency International Slovakia (TIS), the number of cases of grand corruption linked to high-level public officials in Slovakia has been very low, while the number of solved ‘smaller’ bribery cases has increased.<sup>9</sup> In particular, in 2018, the Office of Special Prosecutor, which is responsible for ‘the corruption agenda’, has accused the lowest number of people since 2009. An investigative journalist suggested that prosecutors also obstructed the investigation of some regional corruption cases.<sup>10</sup> The leaked Threema communication of Marián Kočner, who was accused<sup>11</sup> and later formally charged<sup>12</sup> of ordering the murder of investigative journalist Ján Kuciak, has shown his links to prosecutors and judges. For example, special prosecutor Kováčik was also mentioned there as a link through which Kočner tried to influence prosecutions.<sup>13</sup> Thus, the low numbers of convictions might signal that corruption cases have been intentionally overlooked.

Although the potential of Commitments 60 and 61 to increase transparency in disciplinary and selection procedures for the Prosecutor’s Office was considered minor in the IRM Design Report, in light of these recent revelations, the commitments have been of utmost importance. The 2016 IRM Special Accountability Report had already concluded that the Attorney General’s executive powers should be weakened.<sup>14</sup> The Council of Prosecutors called for an independent and thorough investigation of Kočner’s alleged connections among prosecutors,<sup>15</sup> and also acknowledged that the selection procedure of the Attorney General requires a systemic change, and public control should be strengthened.

The implementation of both commitments has been substantial. In June 2019, the Office of the Plenipotentiary posted on Trello an update on these commitments, concluding that the Prosecutor General’s Office completed the analysis of selection procedures which will inform the new draft law on prosecutors.<sup>16</sup> In October, the Office of the Plenipotentiary also confirmed that the Prosecutor General’s Office completed the analysis of disciplinary procedures.<sup>17</sup>

However, these analyses are not publicly available. The IRM researcher sent a request to the Prosecutor General’s Office to provide her with the analyses of both disciplinary and selection procedures, and the available evidence that they were conducted in a participatory manner.<sup>18</sup> The Prosecutor General’s Office provided both analyses, but it was unclear to what extent participatory processes were included in their development. Moreover, both analyses concluded that the imminent legislative changes are not required. Therefore, the contribution to open government is unclear. Also, because the analyses are not publicly available, they have not increased access to information.

In addition, the Prosecutor General's Office announced its plans to create a working group, with a representation of relevant CSOs, which will oversee proposed changes for both selection and disciplinary procedures.<sup>19</sup> The working group was established in August 2019 and, as announced, it consists of the representatives from Via Iuris, a renowned CSO focusing on prosecutors and judiciary. From the government side, it includes representatives of the Office of the Plenipotentiary, General Prosecutor's Office, Council of Prosecutors, Ministry of Justice, and the Judicial Council.<sup>20</sup> Its first meeting took place on 12 November 2019.<sup>21</sup>

In January 2020, the Prosecutor General's Office published an announcement in which it expressed its commitment to OGP values and presented the plans of the working group.<sup>22</sup> Although the Office has been a part of the implementation of previous OGP action plans, this was the first statement from the Office of this kind. It is important to note that this announcement came after the revelations that Marián Kočner had close ties with a number of prosecutors.

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<sup>1</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>

<sup>2</sup> The Prosecutor General's Office, List of prosecutors (by names), <http://bit.ly/2aYKyk2> (in Slovak).

<sup>3</sup> Group of states against corruption and Council of Europe, Second compliance report Slovak republic: Corruption prevention in respect of members of parliament, judges and prosecutors, <http://bit.ly/2BwFTDy>

<sup>4</sup> Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Vws>

<sup>5</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, Comments submitted in the official comment period – Draft Act no. 154/2001 on prosecutors and prosecutor candidates, <http://bit.ly/2p4dEs7> (in Slovak).

<sup>6</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, “Zákon č. 154/2001 Z.z. o prokurátoroch a právnych čakateľoch prokuratúry” (Act no. 154/2001 on prosecutors and prosecutor candidates), <http://bit.ly/32a8xVWd> (in Slovak).

<sup>7</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 15 - Improve prosecutors for more details.

<sup>8</sup> Trello, update on Commitment 59, <http://bit.ly/35ilX4f> (in Slovak).

<sup>9</sup> Transparency International Slovakia, „Napriek zlepšeniu „veľké ryby“ stále nechytáme“ (Despite improvements we still do not catch 'big fish'), <http://bit.ly/2Tcb7d0> (in Slovak)

<sup>10</sup> Interview with Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019.

<sup>11</sup> The Slovak Spectator, Marian Kočner has been charged in the case of Kuciak's murder, <http://bit.ly/2og9jCl>

<sup>12</sup> The Slovak Spectator, Prosecutor brings charges against Kočner in the Kuciak murder case, <http://bit.ly/2MDxhAs>

<sup>13</sup> The Slovak Spectator, Threema saga: Bödör allegedly served as a liaison between Kočner and the special prosecutor, <http://bit.ly/2nxCTmm>, and Tóth: Special Prosecutor shared information with controversial businessman, <http://bit.ly/2nxCTmm>

<sup>14</sup> Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Vws>

<sup>15</sup> DennikN.sk, “Vyhlásenie Rady prokurátorov” (Announcement of the Council of Prosecutors), <http://bit.ly/2BRoPHE> (in Slovak).

<sup>16</sup> Trello, update on Commitment 61, <http://bit.ly/2lyfHvy> (in Slovak).

<sup>17</sup> Email conversation with Lucia Lacika (The Office of the Plenipotentiary), 29 October 2019.

<sup>18</sup> Email and telephone conversation with the General Prosecutor's Office, 15 and 16 October 2019.

<sup>19</sup> The Office of the Plenipotentiary, “Plnenie úloh z Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2017 – 2019 v téme prokuratúry” (Fulfilment of tasks from the OGP Action Plan 2017-2019 in the area of prosecutors), <http://bit.ly/2mtojvB> (in Slovak).

<sup>20</sup> Email conversation with Lucia Lacika (The Office of the Plenipotentiary), 29 October 2019.

<sup>21</sup> Email conversation with the General Prosecutor's Office, response to an FOI request, 30 October 2019.

<sup>22</sup> TASR (Publicly-funded press agency), „Vyjadrenie: Generálna prokuratúra Slovenskej republiky sa prihlásila k vládnemu Akčnému plánu Iniciatívy pre otvorené vládnutie v Slovenskej republike na roky 2017 - 2019.“ (Announcement of the Prosecutor General's Office), <https://www.tasr.sk/tasr-clanok/TASR:20200113TBA01534> (in Slovak).

## 16. Raise awareness on whistleblowing

**Commitment 62:** “Raise public awareness in the field of reporting of anti-social activities and on the basis of the results of regular evaluations of application practice of Act no. 307/2014 Coll. on certain measures related to the reporting of anti-social activities and on the amendment of some laws, or to propose amendments to the legislation.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information, Public accountability</li> <li>• <b>Potential impact:</b> Moderate.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Major.</li> </ul>

While the Whistleblowers Protection Act was successfully adopted in 2015, the use of its provisions has been limited. Transparency International Slovakia (TIS) has long pointed to the low number of filed requests as problematic.<sup>1</sup> The awareness-raising activities of Commitment 62 were thus proposed to address this problem.

During implementation of the commitment, the focus of efforts shifted to drafting better legislation.<sup>2</sup> The Office of the Plenipotentiary participated in the working group, along with major CSOs like Fair-Play Alliance, Stop Corruption Foundation, and TIS, that prepared a draft of the new act. The updated act came into effect on 1 March 2019<sup>3</sup> and introduced several important provisions, such as establishing a new public agency dedicated to whistleblower protection, transparent election of its head, and the possibility to appeal if protection was not granted. Several CSO representatives praised the new act.<sup>4</sup> That said, no candidate was appointed to lead the new agency due to the insufficient number of MPs’ votes for either candidate.<sup>5</sup> Relevant CSOs closely watched the selection procedure and praised it for its high standards,<sup>6</sup> but expressed concerns that MPs obstructed filing the post and discouraged quality candidates from applying.<sup>7</sup>

New public hearings for candidates took place on 23 and 24 October 2019.<sup>8</sup> The list of applicants, their CVs, cover letters, and recommendations are available on the dedicated website.<sup>9</sup> Within 15 days of the hearings, the Selection Committee again recommended two candidates to the Government’s Office: Zuzana Dlugošová and Martin Rajňák<sup>10</sup>, and MPs were expected to select the head in the voting in the National Council. However, that has not happened yet, jeopardizing the operation of the public agency and support for whistleblowers. It is unlikely that voting will take place before the 2020 election and the consequences it will have on the selection procedure remain to be seen.

Although the text of the commitment did not specifically state how many awareness-raising activities would be organized, or the size of the target audience, the Office of the Plenipotentiary and some CSOs did undertake awareness-raising activities. For example, in 2017, they organized a discussion of the new legislation to be prepared,<sup>11</sup> and protection of whistleblowers was a key topic during Open Government Week 2017. In 2019, one of the Office’s staff members led webinars on whistleblowing as a means of tackling corruption for young activists.<sup>12</sup> Stop Corruption Foundation and TIS, CSOs long active in the field, also organized awareness-raising campaigns<sup>13</sup> and conferences.<sup>14</sup>

In 2019, the polling agency FOCUS conducted a survey for TIS exploring awareness of the Whistleblowers Protection Act and found that the number of people who are aware of the existence of the law is on rising. Thirty-nine percent of the population in 2019 knew about the Act, compared to 29 percent in the previous year. However, the awareness was highest in 2017, possibly as a consequence of extensive media coverage of the case of a whistleblower Zuzana Hlávková, who pointed to suspicious contracts related to the Slovak EU Council Presidency in 2016. Also, in 2019, 71 percent were positive about whistleblowers at the workplace.

In light of these results, this commitment has been completed.<sup>15</sup> However, at the same time, the low number of filed requests persists. Much will depend on how the new selection procedure for the head of office will be managed. One interviewee mentioned the office must have a reasonably large budget to be truly independent and functional.<sup>16</sup> Another investigative journalist expressed concern that the new agency will be a “formality” without a genuine motivation to expose misconduct.<sup>17</sup>

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<sup>1</sup> Transparency International Slovakia, Government’s protection of whistleblowers is insufficient, <http://bit.ly/2b3MerA>, and “Oznamovateľov nekalých praktík chránime len na papieri” (Whistleblowers are protected only on paper), <http://bit.ly/2KPDY05>, and Radio Slovakia, “Ochrana oznamovateľov korupcie v praxi nefunguje” (Whistleblowers protection does not work in practice), <http://bit.ly/2oaXlcG> (in Slovak).

<sup>2</sup> Interview with Lucia Lacika (The Office of the Plenipotentiary), 27 September and 9 October 2018.

<sup>3</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, “Zákon č. 54/2019 Z.z. o ochrane oznamovateľov protispoločenskej činnosti a o zmene a doplnení niektorých zákonov” (Whistleblower Protection Act no. 54/2019), <http://bit.ly/2nvBHil> (in Slovak).

<sup>4</sup> Marianna Leontiev, Stop Corruption Foundation, “Iba ďalší zbytočný úrad? Čo prináša nový zákon oznamovateľom korupcie” (Another useless agency? What changes new whistleblowers’ act brings), <http://bit.ly/2nwozKm> (in Slovak).

<sup>5</sup> The National Council of the Slovak Republic, Meeting no. 46, meeting minutes, <http://bit.ly/2o7YYrn> (in Slovak).

<sup>6</sup> Transparency International Slovakia, “Za šéfa nového úradu na ochranu whistleblowerov odporúčame Martina Rajňáka”. (We recommend Martin Rajňák for the head of the new agency for whistleblowers protection), <http://bit.ly/2mF6lHN> (in Slovak).

<sup>7</sup> Aktuality.sk, “Poslanci nezvolili šéfa úradu na ochranu whistleblowerov” (MPs did not elect the head of the Office for Whistleblowers Protection), <http://bit.ly/2mtDa9r> (in Slovak).

<sup>8</sup> Government of the Slovak Republic, “Poznáme mená 11 prihlásených kandidátov na predsedu Úradu na ochranu oznamovateľov protispoločenskej činnosti” (We know names of 11 candidates for the head of the Office for Whistleblowers Protection), <http://bit.ly/2myajqM> (in Slovak).

<sup>9</sup> Government’s Office – Corruption Prevention Section, “Úrad na ochranu oznamovateľov” (Whistleblowers protection office), <http://bit.ly/2qNh0k3> (in Slovak).

<sup>10</sup> Government’s Office – Corruption Prevention Section, “Úrad na ochranu oznamovateľov”, [https://www.bojprotikorupcii.gov.sk/data/files/7472\\_04\\_priloha\\_1\\_zapisnica-z-verejneho-vypocutia\\_ii.pdf](https://www.bojprotikorupcii.gov.sk/data/files/7472_04_priloha_1_zapisnica-z-verejneho-vypocutia_ii.pdf) (in Slovak)

<sup>11</sup> The Office of the Plenipotentiary, “Organizovali sme diskusiu o zákone o whistleblowers” (We organized a discussion about the Whistleblower Protection Act), <http://bit.ly/2okhtcn> (in Slovak).

<sup>12</sup> The Office of the Plenipotentiary, “Na Akadémii dobrej politiky sme prednášali o ochrane whistleblowerov” (We delivered a lecture on whistleblower protection at the Academy of good politics), <http://bit.ly/2npLiYF> (in Slovak).

<sup>13</sup> Stop Corruption Foundation, “Ako oznámiť kampaň” (How to report campaign), <http://akooznamit.sk/> (in Slovak).

<sup>14</sup> The conference “Protection of whistleblowers at the workplace”, 24 September 2019 in Bratislava, <http://bit.ly/2nXXMXw> (in Slovak).

<sup>15</sup> Transparency International Slovensko, <https://www.facebook.com/transparencysk/> (in Slovak).

<sup>16</sup> Interview with Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019.

<sup>17</sup> Interview with Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019.

## 17. OGP coordination and next steps

**Commitment 65:** “Identify the person responsible for implementing the tasks of the OGP National Action Plan 2017-2019 in the organization.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information.</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 65 was created in response to a need for better and stronger intra-agency and inter-agency cooperation, which was crucial for the successful implementation of some cross-sectoral commitments. More detailed information on this is included in the IRM Design Report.<sup>1</sup>

The commitment was fulfilled at the very beginning of the implementation of the action plan. The list of public servants responsible for the OGP commitments at specific ministries was published on the website of the Office of the Plenipotentiary in May 2017,<sup>2</sup> as well as on Trello, which serves as a platform for tracking the progress of commitment implementation, in March 2017.<sup>3</sup> However, the personnel at some ministries has changed since then. These changes have not been systematically recorded, so the list is out of date. That said, assigning “OGP contact points” at each ministry and making their list publicly available was a useful measure that contributed to opening the government. It helped create a greater sense of ownership of individual commitments in the agencies, and it allowed citizens, CSO representatives, and anyone interested in OGP to direct their queries towards those in charge of implementation. Thus, it has potentially (if there is a public demand) increased access to information.

**Commitment 66:** “Coordinate the Working Group on the implementation of the OGP National Action Plan 2017-2019.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information.</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

Commitment 66 addresses the same issue and aims to contribute to the successful implementation of the 2017 – 2019 action plan. This commitment was coded to have a minor potential impact as it was expected to enhance knowledge exchange between public servants but with no direct relevance for the public.<sup>4</sup> The working group exists and meets on a more or less regular basis,<sup>5</sup> so the commitment can be considered complete. Public servants in charge of commitment implementation agreed that having a working group is a useful platform for sharing experiences and suggestions for improvements. This commitment has also marginally contributed to open government, as some meetings minutes are publicly available.

**Commitment 67:** “Develop the final evaluation of the OGP National Action Plan 2017-2019.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited.</li> <li>• <b>Did it Open Government?</b> Marginal.</li> </ul>

By the end of each implementation cycle, governments are expected to publish their self-assessment reports. As stated in Commitment 67, the Office of the Plenipotentiary initially expected to complete and publish the report by 30 June 2019.<sup>6</sup> However, they did not meet this initial deadline. By the end of January 2020, the report was still not published on the website of the Office of the Plenipotentiary. Thus, the government self-assessment report could not inform this IRM report.

Despite these delays, there is vast evidence of the participatory nature of creating the report. The Office of the Plenipotentiary organized several meetings with public servants and CSO representatives to discuss the progress in implementing individual commitments.<sup>7</sup> Thematic meetings took place mostly in Bratislava in February and March 2019, with one meeting organized in Banská Bystrica and Košice. Minutes from the majority of these meetings are available on the website of the Office of the Plenipotentiary, and their outcomes were discussed in greater detail in previous sections. On the whole, given the participatory character of the creation of the self-assessment report and regular updates on the website and social media of the Office of the Plenipotentiary, the IRM researcher concludes that the commitment has contributed to an increase in access to information on OGP processes, and created several opportunities for civic engagement.

**Commitment 68:** “Prepare and submit for the Government of the Slovak Republic the OGP National Action Plan for the following period.”

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information, Civic participation</li> <li>• <b>Potential impact:</b> Minor.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial.</li> <li>• <b>Did it Open Government?</b> Did not change.</li> </ul>

OGP members are also expected to submit their new action plans by the end of an implementation cycle. For Slovakia, the initial deadline set in the action plan was 31 October 2019,<sup>8</sup> but again, it was not met. However, from the information provided on the website and interviews, it was clear that the new action plan is being developed, and in an open and transparent way. In March 2019, in the capital city, Bratislava, the Office of the Plenipotentiary organized events during Open Government Week,<sup>9</sup> which represented one of many opportunities for citizens and CSOs to have their say in assessing the present action plan and shaping the new one. The information about Open Government Week was available online well in advance,<sup>10</sup> and several reminders<sup>11</sup> were published as the event approached. Ideas for the new action plan were also discussed during the events in Banská Bystrica and Košice. The meetings were followed by a report, which was published on the website of the Office of the Plenipotentiary.<sup>12</sup>

The first draft on the new action plan for 2019 – 2021 was published in mid-July and was open for comments for more than a month.<sup>13</sup> Anyone interested in OGP could have submitted their comments via email, in person with the OGP Point of Contact, or by adding comments to the document online. The action plan was then opened for intra-agency comments<sup>14</sup> from 7 to 14 October 2019.<sup>15</sup> The length of the comment period was abridged,<sup>16</sup> as the Office of the Plenipotentiary tried to meet the original deadline set in the action plan. Overall, activities that accompanied the creation of the new action plan have increased access to information and offered several ways to participate in the process. However, since these standards had been set and met by

the Office of the Plenipotentiary in previous implementation periods, the contribution to open government has not changed since then.

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<sup>1</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section 17 - OGP coordination and next steps for more details.

<sup>2</sup> List of ministries' OGP commitments, <http://bit.ly/2nhQ1eV> (in Slovak).

<sup>3</sup> Trello, update on Commitment 65, <http://bit.ly/2oi768N> (in Slovak).

<sup>4</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019, <https://www.opengovpartnership.org/members/slovak-republic/>

<sup>5</sup> Trello, update on Commitment 66, <http://bit.ly/2mSOQT4> (in Slovak).

<sup>6</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019, <https://www.opengovpartnership.org/members/slovak-republic/>

<sup>7</sup> The Office of the Plenipotentiary, "S predstaviteľmi štátnej správy a občianskej spoločnosti diskutujeme o Akčných plánoch Iniciatívy pre otvorené vládnutie" (We lead discussions about OGP action plans with public servants and CSOs), <http://bit.ly/2njbPXo> (in Slovak).

<sup>8</sup> The Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019, <https://www.opengovpartnership.org/members/slovak-republic/>

<sup>9</sup> The Office of the Plenipotentiary, "Program a registrácia Týždňa otvoreného vládnutia 2019" (Programme and registration for Open Government Week 2019), <http://bit.ly/2nQ2Flp> (in Slovak).

<sup>10</sup> The Office of the Plenipotentiary, "Pripravujeme nový Akčný plán Iniciatívy pre otvorené vládnutie na roky 2019 – 2021" (We are working on the new OGP action plan), <http://bit.ly/2lFqrzQ> (in Slovak).

<sup>11</sup> Open Government Week information, <http://bit.ly/2ngdkpt>, and, <http://bit.ly/2nQ2Flp> (both in Slovak).

<sup>12</sup> The Office of the Plenipotentiary, "Týždeň otvoreného vládnutia 2019 – Záverečná správa z podujatia" (Open Government Week 2019 – Final report), <http://bit.ly/2nPVREm> (in Slovak).

<sup>13</sup> SLOV-LEX (Legal and Information Portal), Ministry of Justice, "PI/2019/205 Predbežná informácia k návrhu Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2019 – 2021" (Preliminary information on the draft OGP Action Plan 2019 – 2021), <http://bit.ly/2lUMmTY> (in Slovak).

<sup>14</sup> Comments from agencies, <http://bit.ly/2nXPm2n> (in Slovak).

<sup>15</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), Ministry of Justice, <http://bit.ly/31AGUUT> (in Slovak).

<sup>16</sup> The standard length of the official public comment period is 15 days. The abridged length of the official public comment period is 7 days.

### III. Multi-stakeholder Process

Following an open and inclusive development of the third action plan, the Office of the Plenipotentiary continued to implement commitments in a similar manner. It has regularly published updates on the progress and outcomes of individual commitments using various communication channels.

#### 3.1 Multi-stakeholder process throughout action plan implementation

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

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Slovakia **did not** act contrary to OGP process.<sup>1</sup>

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

#### Table [3.2]: Level of Public Influence

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

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

The Office of the Plenipotentiary has been the lead agency in charge of Slovakia's OGP commitments since 2011. As was already outlined in the IRM Design Report,<sup>3</sup> it developed the action plan in a transparent and participatory manner. Despite the lack of a formalized multi-stakeholder forum with set nomination rules and statutes, the Office of the Plenipotentiary created various opportunities for engagement for experts and the broader public. For example, as a flagship awareness-raising activity, they regularly (once or twice a year) organize Open Government Weeks to share experiences and update on the progress of commitments. They also post regular updates on their website,<sup>4</sup> social networking sites,<sup>5</sup> post videos from events on their YouTube channel,<sup>6</sup> and inform about the commitments' progress on Trello.<sup>7</sup> While their online presence is good, the



majority of their in-person events take place in Bratislava. Some of the interviewees suggested that, in general, CSOs in regions have fewer opportunities for engagement.<sup>8</sup>

The quality of participatory processes during the development of the action plan was higher than during its implementation. This might be due to the fact that while the Office of the Plenipotentiary owns the development of the action plan entirely, the implementation depends on other agencies to a great extent. Therefore, the quality and scope of the information that the Office of the Plenipotentiary provides are conditional on the quality and scope of the information it receives from other agencies.

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

<sup>2</sup> “IAP2’s Public Participation Spectrum,” IAP2, 2014.

[https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum\\_8.5x11\\_Print.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf).

<sup>3</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section VI - Methodology and Sources.

<sup>4</sup> The official website of the Office of the Plenipotentiary, <https://www.minv.sk/?ros> (in Slovak).

<sup>5</sup> The official Facebook page for the Slovak OGP, <http://bit.ly/2B5lrHw> (in Slovak).

<sup>6</sup> The official YouTube channel of the Office of the Plenipotentiary, <http://bit.ly/2BanqeA> (in Slovak).

<sup>7</sup> Trello profile of the Office of the Plenipotentiary, <http://bit.ly/2Q2RlZL> (in Slovak).

<sup>8</sup> Interview with Vanda Tuchyňová (Protikorupcii.sk), 3 September 2019, and Štefan Jančo (Ekopolis Foundation), 19 September 2019.

## VI. Methodology and Sources

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

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual<sup>1</sup> and in Slovakia's Design Report 2017-2019.<sup>2</sup>

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<sup>1</sup> IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

<sup>2</sup> Mária Žuffová, Open Government Partnership, Slovakia Design Report 2017 – 2019, <http://bit.ly/2nOTrpw>. See Section VI - Methodology and Sources.

## Annex I. Overview of Slovakia’s performance throughout action plan implementation

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

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

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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 Implementation	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Green
4c. Awareness-raising: The forum conducts outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process.	Green
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
<b>4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.</b>	Yellow
<b>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)</b>	Green

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

## Annex II. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>1</sup> A summary of key indicators the IRM assesses is below:

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

### Results oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design 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

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response rates to information requests” is a stronger goal than “publishing a protocol for response.”)?

### **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. To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **Verifiable, Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment’s implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete**.

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

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<sup>1</sup> “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>