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

IRM staff with contributions from Vera Riháčková Pachta

Table of Contents

Executive Summary: Czech Republic

The Czech Republic's fourth action plan was developed through an open and consultative process but did not gain sufficient visibility to reach a wide spectrum of actors. The commitments mainly derive from existing government programs and are focused on transparency of the justice system and opening up education data. Given the priorities of civil society, the next action plan could prioritize more transformative actions on civic participation, judicial transparency, and whistleblower protection.

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. The Czech Republic joined OGP in 2011 and has since implemented three action plans. This report evaluates the design of the Czech Republic's fourth action plan.

Table 1. At a glance
Participating since: 2011
Action plan under review: Fourth
Report type: Design
Number of commitments: 8

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

Action plan design

Commitments relevant to OGP values	7 (88%)
Transformative commitments	0 (0%)
Potentially starred:	0 (0%)

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

*DIOG: Did it Open Government?

General overview of action plan

The Czech Republic's multistakeholder forum was expanded in 2018 to comply with OGP's Participation and Co-Creation Standards. It is now composed of 18 members, evenly balanced with representation from government and civil society. The development of the fourth action plan was an open and consultative process, but it lacked sufficient visibility to reach a wider spectrum of stakeholders.

Commitments in the fourth action plan largely derive from existing government strategies. Despite some awareness raising on whistleblower protection, the action plan does not commit to pass the whistleblower protection law. Overall, the action plan focuses on transparency measures and falls short of commitments that could foster civic participation and public accountability.

Two of the eight commitments focus on improving transparency of the judiciary, which partially responds to the public demand for greater transparency of the justice sector. Half of the commitments in the action plan concern publishing open data statistics and other information related to the functioning of the education system.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle.
Commitment 3: Publish the decisions of lower courts	This commitment would publish online the texts of decisions by high, regional, and district courts. It is recommended to create a multi-stakeholder working group to advise the Ministry of Justice on the process. Other institutions in the justice system already run databases and could share lessons learnt.	*Note: this will be assessed at the end of action plan cycle.*
Commitment 4: Raise awareness of the issue of whistleblowers on illegal activity	The commitment aims to raise awareness on the importance of whistleblowers and to prepare a comparative analysis on whistleblower protections in Europe. While it touches upon an important topic there is no commitment to pass the law. Given the importance of the whistleblower protection legislation, the IRM recommends continuing focusing on this issue in the next action plan.	*Note: this will be assessed at the end of action plan cycle.*
Commitment 7: Open data from the Czech Schools Inspectorate	This commitment would publish, in open data format, the outcomes of school inspections. However, there are still ongoing discussions on which datasets will be published first and how will the data be updated in the system.	*Note: this will be assessed at the end of action plan cycle.*

Recommendations

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

Table 3. Five KEY IRM Recommendations

1. **Elaborate a long-term open government strategy.** Discuss a strategy to identify new areas for commitments, to ensure that the OGP agenda matches the country priorities and can produce long-term results.
2. Continue efforts in opening the court system. Given demonstrated public concerns with the independence of the judiciary, the next action plan needs to continue efforts on judicial transparency and prioritize open justice reforms.
3. Commit to adopt the whistleblower protection law, creating protections for whistleblowers in line with the newly adopted EU Directive.
4. **Facilitate the debate on the reform of access to information**. The MSF could facilitate the debate on amendments to the access to information legislation, and the introduction of an oversight body.
5. **Promote a further push for open data.** Opening data in the areas of environment or transport could be an important next step.

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.

Open Government Partnership

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 Czech Republic joined OGP in 2011. This report covers the development and design of the Czech Republic's fourth action plan for 2018-2020.

The Independent Reporting Mechanism of OGP has partnered with Vera Rihácková Pachta, an independent researcher, who contributed to this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit https://www.opengovpartnership.org/about/independent-reporting-mechanism.

II. Open Government Context in the Czech Republic

Commitments in the fourth action plan largely derive from existing government strategies. The action plan partially reflects issues at the centre of public debates in the country, such as transparency of courts and strengthening protection of whistbleblowers denouncing corruption. The action plan falls short of commitments that could foster civic participation and greater public accountability.

Civil Liberties and Civic Space

The Czech Republic enjoys a generally free environment for political parties, media, and civil society.[1] According to the Democracy Index published, the country slightly improved its standing in 2018 from 7.62 to 7.69 but remains among the group of countries with flawed democracy (pass mark 8).[2] According to the Freedom House Index, the country scores 91/100, which means freedom without significant flaws.[3] Freedom of speech and press are guaranteed by the Constitution and are respected by the government.

According to the Reporters Without Borders (RSF) Freedom of Press Index,[4] the Czech Republic is 40th in the world, slightly below the EU average but higher than Hungary and Poland. The media environment is generally free in the Czech Republic, although concentrated media ownership, as well as media owned by politicians, present limits to media pluralism and independence.[5]

Civil society is well developed with almost 120,000 civil society organizations, including CSOs focusing on areas such as corruption, city planning, LGBT rights, food safety, and participatory budgeting at the local level.[6] CSOs play an essential role in monitoring government performance and regularly advocate for transparency and anti-corruption reforms.[7]

Access to Information

Freedom of Information is guaranteed under the law. According to the Global Right to Information Rating 2018,[8] the Czech Republic received 72 points out of a maximum of 150. Major problems were identified in the areas of right to access, the request procedure, exceptions and refusals, appeals, and sanctions. Civil society and public officials agree on a need to reform the access to information regime and amend the existing legislation.

Open data has always featured prominently in past OGP action plans. The Ministry of the Interior that is responsible for the agenda within the public administration has significantly increased its capacities, as well as developed enhanced tools facilitating publishing in open format (National Open Data Catalogue 2.0). The definition of open data has been codified in the legislation since 2017 and the list of mandatory datasets to be published is regularly amended via government resolution and is also based on feedback from citizens collected via Open Data Wishlist. The Ministry of the Interior, as the coordinator of the open data agenda, has the mandate to propose the priority datasets but most of them fall under the responsibility of other ministries or agencies.

Budget Transparency

According to the Open Budget Index, the Czech Republic provides the public with substantial budget information and scored 61 out of a possible 100 points on budget transparency.[9] While the legislature and the Supreme Audit Office provide adequate oversight of the budget, there are few opportunities for public engagement in the budget process. The report recommends the government create opportunities for public participation during both the formation of the national budget and the monitoring of its implementation.

Accountability and Anti-Corruption Framework

The Czech Republic has slightly improved its score in corruption perception rankings. According to the Transparency International Corruption Perception Index (CPI) for 2018, the country scored 59 points out of 100, better than the 55 points in 2016 but still significantly behind the EU average.[10]

The country has made some progress with respect to beneficial ownership transparency. Effective as of 1 January 2018, the country requires that the "ultimate beneficial owners" of companies and trust funds be disclosed and recorded in a central register. Although this information is not available to the public, law enforcement agencies, public authorities, and persons who can demonstrate a legitimate interest in the prevention of selected crimes can access it.

Currently, the country does not have a comprehensive law to protect the rights of whistleblowers, though Regulation No. 145/2015 Coll. provides tools and procedures for whistleblower protection of civil servants. The OECD has raised concerns about the absence of comprehensive whistleblower protections, especially in the private sector. In light of the new European Union (EU) standards on whistleblower protection, in February 2019, the country drafted a bill that aims to provide credible whistleblower tools to report illegal conduct in the workplace and protect them against potential reprisals.[11] While the new draft was considered positive by the OECD, the adoption process is still at an early stage. To this end, Commitment 4 in the current action plan includes awareness-raising activities to support and incentivize the social role of whistleblowers.

With respect to the justice system, in its assessment report, the Council of Europe´s anti-corruption body Group of States against Corruption (GRECO) stated that although the Czech Republic had made some progress on the procedure of selection of judges,[12] only half of the recommended measures had been implemented. According to GRECO's assessment, the country has not fully complied with any of the recommendations concerning the prevention of corruption in respect of MPs, judges, and prosecutors.[13] Measures to ensure the transparency and objectivity of appointment procedures for judges and prosecutors and the drafting of a code of conduct for judges are still pending. Two out of eight commitments in the current action plan focus on improving judiciary transparency, with one of them pledging to publish all court decisions online.

2019 saw the most significant public demonstrations in the country since 1989´s Velvet Revolution, voicing public discontent about the alleged use of EU funds by the Prime Minister and his decision on the appointment of the new minister of justice.[14] Organized by a non-partisan platform, Million Moments for Democracy (Milion chvilek pro demokracii),[15] the biggest demonstration gathered more than 250,000 people in Prague on 23 June 2019. The demonstrations highlighted the need for stronger judicial independence and more effective policies for the fight against corruption.

The Czech Republic's fourth action plan features commitments in the areas of quality management of civil service; whistleblowing; open data in the Czech Judiciary; and open licenses in the education sector. The eight commitments included in the action plan are primarily related to governance or educational issues but do not fully reflect priority areas that would benefit from more openness. It also focuses mainly on transparency and falls short of actions that could foster civic participation and public accountability.

---

[1] Freedom House, Lubomír Kopecek, Nations in Transit 2018, Czech Republic, https://freedomhouse.org/report/nations-transit/2018/czech-republic
[2] The Economist, The retreat of global democracy stopped in 2018, https://www.economist.com/graphic-detail/2019/01/08/the-retreat-of-global-democracy-stopped-in-2018
[3] Freedom House, Freedom in the World 2019, Czech Republic, https://freedomhouse.org/report/freedom-world/2019/czech-republic
[4] Reporters without Borders, 2019 World Press Freedom Index, https://rsf.org/en/ranking#
[5] Freedom House, Czech Republic, Freedom of the Press 2016, https://freedomhouse.org/report/freedom-press/2016/czech-republic
[6] Bertelsmann Stiftung, BTI 2018 Country Report – Czech Republic, http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2018/pdf/BTI_2018_Czech_Republic.pdf
[7] Freedom House, Nations in Transit 2017, The False Promise of Populism, https://freedomhouse.org/report/nations-transit/nations-transit-2017
[8] Global Right to Information Rating, Czech Republic, https://www.rti-rating.org/country-detail/?country=Czech%20Republic
[9] International Budget Partnership, Open Budget Survey 2017, Czech Republic, https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=cz#participation
[10] Transparency International, Corruption Perceptions Index 2018, https://www.transparency.org/cpi2018
[11] Schonherr, New regulation on whistleblowing in the Czech Republic, https://www.schoenherr.eu/publications/publication-detail/new-regulation-on-whistleblowing-in-the-czech-republic/

[12] Concerning the justice system, in November 2017, the Czech Republic issued Instruction No. 7/2017 (ref. No. 1002/2015-LO-SP) on the procedure for selecting candidates for the office of judges and on the process for submitting applications for the appointment of judges, and the regulation No. 382/2017 on the selection, recruitment and preparatory judicial service of judicial trainees and special legal examination.
[13] GRECO Group of States Against Corruption, Czech Republic Compliance Report, Fourth Evaluation Round, https://rm.coe.int/grecorc4-2018-5-final-eng-czechrep/1680933cd3
[14] The Guardian, Czech Republic: Protesters demand prime minister's resignation, https://www.theguardian.com/world/2019/jun/23/czech-republic-protesters-demand-prime-ministers-resignation
[15] Million Moments for Democracy, https://www.milionchvilek.cz

III. Leadership and Multi-stakeholder Process

The Ministry of Justice is responsible for the coordination of the OGP agenda while the multistakeholder forum (MSF) functions under the Ministry of Justice's Anti-Corruption Unit. In compliance with the new OGP Participation and Co-creation Standards, MSF membership was expanded with additional civil society representatives to achieve parity with the government. The development of the fourth action plan was an open and consultative process, but it lacked sufficient visibility to reach a wider spectrum of stakeholders.

3.1 Leadership

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

Following the October 2017 general elections, the Minister of Justice took over coordination of the OGP action plan from the Minister for Human Rights, Equal Opportunities and Legislation. The Government Anti-Corruption Council remained the main body fulfilling the role of the OGP multi-stakeholder forum (MSF). In the first half of 2018, the Working Committee on Transparency of Public Administration, an agency of the Government Anti-Corruption Council, gained an additional four civil society representatives and was renamed the Working Committee on Open Government and Transparency of Public Administration. It is composed of 18 members, nine from government and nine from civil society, professional associations, and academia, with evenly balanced representation from government and civil society.

The working committee, which took over the role of running the MSF is currently chaired by the Deputy Minister of Justice Klára Cetlová. From an organizational perspective, the Working Committee on Open Government and Transparency of Public Administration falls under the Ministry of Justice and follows the Rules of Procedure for respective government's bodies. The Ministry of Justice is responsible for the coordination of the OGP agenda.

In order to synergize the support to coordination processes (and also due to restructuring of the agendas and the decrease in the number of the Office of Government employees), the Anti-Corruption Unit was moved from the Regulatory Impact Assessment Department of the Office of Government to the Ministry of Justice. Currently, the Anti-Corruption Unit falls under the Conflict of Interest and Anti-corruption Department of the Ministry of Justice. Despite these changes, the staff of the Unit remained the same and the institutional memory has been preserved.

The Unit coordinates preparation and monitoring of the OGP action plan but has no enforcement power over the implementing agencies and their respective commitments. However, the action plan is adopted by Government Decree, which is generally enforceable across all central implementing agencies (though not at the local and municipal levels). Two staff members were assigned for the preparation and coordination of the action plan, however, there is no specific budget allocated for the implementation of OGP-related activities.

All OGP materials are accessible and published at the korupce.cz website that is newly established under the Ministry of Justice website (Justice.cz). The website provides a good overview of OGP-related activities, making it possible to track implementation progress of each commitment. At the time of writing this report, the site was only available in Czech.

3.2 Multi-stakeholder process throughout action plan development

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

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. The Czech Republic **did not** act contrary to OGP process.[1]

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

Table [3.2]: Level of Public Influence
The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[2] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

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

Multi-stakeholder forum

The Government Anti-Corruption Council, a body established under the Ministry of Justice, remained functioning as the OGP multi-stakeholder forum (MSF) until spring 2018, when the Working Committee on Transparency of Public Administration, a working body of the Government Anti-Corruption Council, was expanded by four civil society representatives and renamed the Working Committee on Open Government and Transparency of Public Administration. This process was launched to comply with the new OGP Participation and Co-creation Standards.

The working committee took over the role of running the OGP multi-stakeholder forum. It is chaired by Deputy Minister of Justice Klára Cetlová and composed of 18 members, nine from government and nine from civil society, professional associations, and academia, with evenly balanced representation from government and civil society.[3] The permanent representatives of the group are not the representatives of the lead implementing agencies responsible for individual commitments. The latter can take part as guests but are not present at all meetings.

The four new civil society members of the working committee were nominated through the following process: the coordination unit sent out a call for nominations via its regular channels, i.e. to the current members of various government working committees and the Government Anti-Corruption Council, including civil society members. The unit received four nominations (of which one CSO works at the regional level in Liberec [a city in Northern Bohemia]), corresponding precisely to the number of vacant posts, meaning the Working Committee on Open Government and Transparency of Public Administration did not need to vote on the new members. was planning to vote on the new members. But no vote took place since only four nominations were received for the available four seats.

The committee follows the Rules of Procedure for respective bodies of the government that stipulate the participation procedures (guests can be invited to the meetings, for example) and decides by a simple majority. The MSF oversees the preparation and finalization of the action plan as well as the implementation phase. During the development of the fourth action plan, the working

committee met in April and May 2018 at the premises of the Office of Government in Prague. The Government Anti-Corruption Council adopted the final version of the action plan by 17 July and approved the ultimate action plan at the end of July. The minutes of the meetings of the working committee are published online.[4]

The stakeholders outside the MSF could take part in the online consultations and workshop organized on the commitments´ preparation. In total, 36 participants took part in the preparatory workshop on 4 May 2018.[5] During this workshop a representative of civil society raised the issue that OGP is not a very well-known initiative within Czech civil society and that the government´s communication should be improved in order to reach a wider spectrum of stakeholders. Strengthening visibility of the initiative was also discussed at the meeting of the working committee. Another civil society observation pointed to the fact that the OGP agenda has become more comprehensive than the areas covered by the Government Anti-Corruption Council and while, traditionally, OGP and anticorruption efforts have been closely interlinked, it is now time to decouple the two and reflect this in the organizational setup and the MSF.

Participation and engagement throughout action plan development

The process of creation of the fourth action plan was launched on 6 April 2018 during the meeting of the Working Committee on Open Government and Transparency of Public Administration. The coordination unit proposed the timeframe and shared information about the planned public consultation process. All members of the working committee received the timeline in advance via email. According to the minutes of the meeting, there were no comments on the proposed timeline and the consultation process outline was approved.[6]

The consultation process was open and interested organizations and individuals could take part via online tools and in the workshop dedicated to the action plan creation. The communication efforts to reach a wider spectrum of civil society and government were weak due to lack of resources and creative approach. The coordination unit is aware of this problem, and the issue of how to strengthen visibility of the initiative was also discussed at the meeting of the working committee.

The Government Anti-Corruption Council opened online public consultations on its website (korupce.cz) on 6 April 2018. The consultation process lasted 14 calendar days. The coordination unit also approached selected representatives of civil society by email or telephone. On 4 May 2018, the unit organized a workshop on commitments´ preparation to allow the presentation of proposals for commitments. In total, 36 participants took part,[7]of which six were non-governmental. Overall, the coordination unit received nine proposals and two less specific initiatives for consideration; two proposals were received via online consultations, five proposals and one initiative for consideration during the workshop, and an additional two proposals and one initiative for consideration were received between 5 and 11 May, which was the deadline for submitting the proposals in the filled commitment template. The proposals were made by the Office of Government, Ministry of Interior, Ministry of Justice, Transport Infrastructure Access Authority, Czech School Inspection, Association of Local Governments of the Czech Republic, EDUin, Transparency International Czech Republic, an academic, and Ernst and Young.

The MSF discussed the final list of proposed commitments on 18 May 2018. In total 21 members and guests were present and approved nine draft commitments for further discussion.[8]

As a next step, the coordination unit collected the comments and feedback on the draft commitments from the implementing agencies and civil society. Of nine proposed commitments, seven were subsequently incorporated into the action plan. According to the minutes of the 18 May meeting, one of the two commitments proposed by the Alliance for Open Education was not included in the final action plan. This proposal consisted of unifying the structure (not the design) for the websites of authorities.[9] It was extensively discussed during the meeting, and implementing agencies gave reasoned responses for not including it in the action plan. The Ministry of Interior did not support its inclusion in the action plan but pledged to start implementing the proposal informally.

According to the government point of contact to OGP, two CSO proposals that were not included in the plan were a) the publication of partially anonymized open data on the results of education exams; and b) the creation of platforms that would discuss the system of public funding for sports, their distribution, and oversight. These two commitments, initially approved at the 18 May meeting, were subsequently declined by the lead implementing agencies. The implementing agency responded only to the first proposal, explaining that it would be contradictory to the Act on Schools, which states that the average or aggregated results for distinctly recognizable schools or groups of students cannot be disclosed to the public. No response was provided to the second proposal.

The internal procedure of final approval of the commitments took place from 6-20 June 2018 and a new commitment proposal was tabled by the Ministry of Education, Youth and Sports. The members of the Working Committee agreed via email to include the new commitment. The fourth action plan was adopted on 31 July 2018 with the Government Resolution No. 499/2018.[10]

Co-creation and participation recommendations throughout development

The Czech Republic showed evidence of achievement and reliable performance in areas of MSF composition and functioning. For example, the representativeness of the MSF has improved, and decision-making processes were balanced by equalizing the number of representatives from the government and civil society. The coordination unit followed all steps envisaged in terms of the -creation process, and information about the development of the action plan was available on the website, along with all documents and procedures.

The IRM recommends the following areas for improvement:

- Despite a more representative MSF, in the future, there should be a well-disseminated open call for nominations with clear criteria for membership of the working committee. Similarly, given that the government has to approve the final action plan, more time should be given for the submission of commitment proposals. Furthermore, consultations should be held with the appropriate lead implementing agency before the working committee approves the action plan in order to avoid the removal of commitments after approval and without reasoned response from the lead implementation agency.
- The government could improve the communication strategy and outreach to CSOs and groups outside the usual suspects during the development of the next action plan. This could cover thematic experts and potential ultimate beneficiaries of commitments.
- The government could also develop a long-term strategy for OGP implementation within the MSF, outlining major thematic areas of focus, widening the approach to OGP.

---

[1] 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.
[2] "IAP2's Public Participation Spectrum," IAP2 2014, http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf
[3] For the full composition, see https://korupce.cz/rada-vlady/pracovni-komise-predsedy-rady-vlady-pro-koordinaci-boje-s-korupci/komise-k-otevrenemu-vladnuti-a-transparentnosti-statni-spravy/
[4] Government Anti-Corruption Council meeting minutes, https://korupce.cz/rada-vlady/pracovni-komise-predsedy-rady-vlady-pro-koordinaci-boje-s-korupci/komise-k-otevrenemu-vladnuti-a-transparentnosti-statni-spravy/
[5] List of participants, https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/
[6] Ministry of Justice of the Czech Republic, Záznam z 12. jednání pracovní komise k TSS 2018-04-0, https://korupce.cz/rada-vlady/pracovni-komise-predsedy-rady-vlady-pro-koordinaci-boje-s-korupci/komise-k-otevrenemu-vladnuti-a-transparentnosti-statni-spravy/
[7] List of participants, https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/
[8] Ministry of Justice of the Czech Republic, Záznam z 13. jednání pracovní komise k OVTSS 2018-05-18, https://korupce.cz/rada-vlady/pracovni-komise-predsedy-rady-vlady-pro-koordinaci-boje-s-korupci/komise-k-otevrenemu-vladnuti-a-transparentnosti-statni-spravy/
[9] Proposal for authorities' websites, https://korupce.cz/rada-vlady/pracovni-komise-predsedy-rady-vlady-pro-koordinaci-boje-s-korupci/komise-k-otevrenemu-vladnuti-a-transparentnosti-statni-spravy/

[10] The fourth action plan, https://apps.odok.cz/attachment/-/down/RCIAB3GBJJ57

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1] The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[2] A summary of key indicators the IRM assesses is below:

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

What makes a potentially starred commitment?

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

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

Starred commitments

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

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

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

General Overview of the Commitments

The fourth action plan is structured traditionally per themes and focuses on three key areas: quality management in public administration, which focuses on the introduction of quality management principles in service authorities and follows up on the previous commitments addressing the implementing the Civil Service Act; open justice and the fight against corruption, which includes three commitments and the issue of whistleblowing; and open education, which carries over the open data commitments from the previous action plans and covers four commitments. Four out of eight commitments are implemented by the Ministry of Education.

---

[1] "Open Government Partnership: Articles of Governance," OGP, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf
[2] "IRM Procedures Manual," OGP, https://www.opengovpartnership.org/documents/irm-procedures-manual

1. The introduction of quality management principles in service authorities

Language of the commitment as it appears in the action plan:
The objective of the commitment is to introduce a mandatory minimum quality standard in service authorities. It recommends expanding this minimum standard to an optimum standard by implementing a quality management method chosen from the three quality management methods listed in the Methodological Guideline, which have been tried and tested in public administrative practice over the long term and have a positive impact on the given organisation.

Milestone:
The introduction of quality management principles in service authorities. (Verifiable output is the number of service authorities introducing improvement criteria or the extent of comprehensive quality management methods under the Resolution of the Government No. 214 of 4 April 2018.)

For full text of the commitment please see: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/

Start Date: 1 September 2018
End Date: 30 June 2021

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

Context and Objectives

The commitment aims to introduce quality management principles in service authorities, taking into account the criteria and methodological guideline introduced under the Government Resolution No. 214 of 4 April 2018.[1]

Currently, the Czech Republic state administration does not have standardized quality management systems. Quality management methods are implemented primarily by local authorities without a national overall monitoring and evaluation system. To address this fragmentation, the commitment supports the implementation of Act No. 234/2014 on the Civil Service, which aims to enhance the internal processes of service authorities to improve the effectiveness of the public administration.

The commitment is specific enough to be verified as it includes clear indicators, e.g. the number of service authorities introducing improvement criteria under the Resolution No 214. However, the commitment is not relevant to OGP values as it only targets public administration internally, without including any public-facing element that could foster access to information, civic participation, or public accountability.

The potential impact of this commitment is minor. The commitment could have a positive effect in creating quality standards across the central public administration. In particular, the impact in terms of improved service delivery and trust in government could be significant. Over time, there could also be benefits in terms of public accountability through an increase in management procedures and clarity in terms of responsiveness to citizens. As the commitment is written, it could have a minor impact on citizens' access to public administration offices after the standardization of a quality management system is implemented.

Next steps

The next action plan could focus on commitments that are clearly relevant to OGP values and contain public-facing elements. In terms of public administration, this could entail commitments focused on response mechanisms to citizens' needs and inquiries, and public accountability mechanisms.

---

[1] Government Resolution No. 214 of April 2018, http://bit.ly/2qd652U

2. Improving the annual statistical report of the Czech judiciary

Language of the commitment as it appears in the action plan:
The commitment's objective is to support access to justice and greater transparency in the Czech judiciary, so that the statistical report can also reflect the information required by the public on the course of justice.

Milestones:

- Collection of suggestions, including a choice of collection method, for the annual report for 2017;
- Continuous publication of suggestions and reactions to them;
- Collection of suggestions, including the choice of collection method, for the annual report for 2018;
- Continuous publication of suggestions and reactions to them.

For full text of the commitment please see: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/

Start Date: 1 September 2018
End Date: 31 August 2020

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

Context and Objectives

The commitment aims to improve the quality of information published in the Czech Judiciary's statistical report by taking into account law professionals and citizens' feedback. In 2017, the Czech Judiciary started publishing the annual statistical report, including selected statistical data for district, regional and high courts, Supreme court and Supreme Administrative court. The report includes information on the number of judges, length of proceedings, and appeal rate for criminal and civil courts.[1]

The commitment is verifiable and is relevant to OGP values of access to information and civic participation, since it aims to improve the publication of judiciary information and intends to do so through consultation with professionals and the general public. However, the action plan does not specify how the consultation will be carried out. It also does not indicate whether improvements are sought in terms of inclusion of new information in the report or changes in the presentation of statistical data.

Since the start of its publication in 2017, the report has already improved. The annual report for 2018 contained more information with new indicators (particularly for the judicial staff section) and a refined methodology.[2] However, navigation of statistics in the report is difficult for average citizens, as it does not provide user-friendly visualizations and a data analysis, or conclusions of the main achievements and/or challenges of the judicial system. Consultation with relevant stakeholders to identify information needs from the judiciary could lead to positive improvements in the

publication of judicial data. However, without further detail on where major improvements are sought, as written, this commitment could have a minor potential impact on opening up information from the judiciary.

Next steps

During the implementation period, the Ministry of Justice could clarify feedback collection methods, and establish a timeline for the consultation process. To identify existing information needs from the judiciary, it is recommended to create online and in-person feedback channels.

---

[1] The Judiciary statistical report, https://justice.cz/documents/12681/719244/2017_vyrocni_stat_zprava.pdf/27ba4524-49cb-4744-b834-2c6812f13e5d

[2] Email exchange with Kucera Frantisek, 10 December 2019.

3. Publishing the decisions of lower courts

Language of the commitment as it appears in the action plan:
The objective of the commitment is the publication (disclosure) of the texts of the final and enforceable decisions of the high, regional and district courts in electronic format (online).

Milestones:

- Creation of an anonymizer;
- Publication of judgments in one judicial agenda.

For full text of the commitment please see: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/

Start Date: 1 September 2018
End Date: 31 August 2020

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

Context and Objectives

The commitment aims to publish online all court decisions in an anonymized form to increase the transparency of the judiciary. This commitment derives from the Departmental eJustice Development Strategy for 2016-2020 (revised in in March 2018; Resolution No. 170), namely one of its strategic objectives to further develop "electronic justice" providing information on court decisions (target 4.2.7).

The commitment is verifiable and contains two concrete milestones: the creation of an anonymizer and the publication of judgements in one judicial agenda by December 2020. Both milestones have a clear timeline and the commitment is relevant to the OGP value of access to information, as it discloses new information to the public online.

If implemented as written, the commitment could have a moderate potential impact. Currently, only three highest courts in the Czech Republic publish their final decisions online. This commitment could change the status quo by making all high, regional, and district courts' first instance decisions publicly available online. Experts, civil society representatives, and judges interviewed for this report noted that the commitment could strengthen legal certainty and transparency of courts' decisions. However, as the representative of the Ministry of Justice explained, publication of all decisions is a long-term goal which will be tested at regional courts in a limited area, stipulated in section §9 par. 2 of the Act No. 99/1963 from the Code of Civil Procedure, as amended.[1] Representatives of the Ombudsman's office also noted the implementation could be hindered by the lack of allocation of resources to finalize the task by the deadline.[2][3]

Next steps

During the implementation period, the IRM recommends taking into account the following:

- Consider the learnings from the Slovakia Slov-lex system to create a roadmap that specifies the different steps to implement the commitment successfully.
- Specify which judgements will be published; this was important for the functioning of the Slov-lex system, which was a commitment in Slovakia's first OGP action plan (2013-15).
- Based on the Slovakian experience, it would be important to develop an automatic anonymizer to ensure anonymity in the process and avoid unexpected delays.
- Follow the Ombudsman's office suggestion to create a multi-stakeholder working group to advise the Ministry of Justice on the process, since other institutions within the justice system are already running databases and could share lessons learnt.
- Raising awareness among court personnel will be important for the successful publication of courts' decisions.

[1] Email exchange with Kucera Frantisek, 10 December 2019.
[2] Interviews with Pavol Zilincik and Jaroslav Svoma, Legal Department, The Office of Public Defender of Rights, 27 May 2019.

4. Raising awareness of the issue of whistle-blowers on illegal activity

Language of the commitment as it appears in the action plan:
The objective of the commitment is to support a change in the perception of whistle-blowers, to enhance appreciation of their social role, and at the same time, to inspire whistle-blowers themselves not to be afraid to draw attention to illegal activity, to give them knowledge of what protection is available to them and of whom they can turn to in case of need. Given the difficulties and necessarily gradual nature of the process of changing society's attitudes, this is a long-term campaign exceeding the period covered by one action plan. As part of the implementation of this commitment, the legislative development of the draft directive of the European Parliament and Council on the protection of persons reporting on breaches of Union law will be reflected, among other things, as will the course of the legislative process for the draft national legislation on the protection of whistle-blowers in the Czech Republic.

Milestones:

- Organisation of events (workshops, seminars, training) on the problem of protecting whistle-blowers;
- Awareness campaign on the problem of reporters of illegal activities;
- Drawing up a comparative analysis

For full text of the commitment please see: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/

Start Date: 1 September 2018
End Date: 31 December 2021

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

Context and Objectives

The Czech Republic does not currently have a comprehensive law to protect whistleblowers. This commitment aims to raise awareness on the importance of whistleblowers and to prepare a comparative analysis on whistleblower protection. The objective is both to support a change in the perception of whistleblowers, enhancing appreciation of their social role and to give potential whistleblowers the necessary protection and support to incentivize reporting of wrongdoing.

This commitment aims to tackle the negative perception about the reporting of wrongdoing by organizing workshops, events, and campaigns to support the creation of an environment in which the reporting of illegal activities is neither punished nor stigmatized.

The commitment is verifiable overall, however, the action plan does not provide details on the number of events, the intended audience of workshops, or the main objective of the comparative analysis.

The commitment has a minor potential impact. It pledges to conduct an awareness-raising campaign but does not commit to passing or preparing the legislation on whistleblower protection, which would have been a more ambitious commitment. When consulted about the comparative analysis, the representative of the Ministry of Justice explained that this will focus on a comparison of whistleblower protection laws and practices in Europe. This comparative analysis will inform the legislative process and adoption of the law.

Next steps

Given the importance of the whistleblower protection legislation, the IRM recommends continuing focusing on this issue in the next action plan. As an important step, the country needs to pass the whistleblowing law that is currently under preparation.

During the implementation of this action plan, the Ministry of Justice could take the following actions:

- Specify how this commitment contributes and responds to the different legislation projects in place (e.g. project bill submitted in 2019; EU directive on the protection of whistleblowers;[1] and anti-corruption commitments submitted to the OECD);
- Involve CSOs in workshops and awareness-raising campaigns, taking into account their previous experiences with the issue (e.g. collect feedback from Transparency International and Anticorruption Endowment "Blow the whistle" event in 2018).[2]

[1] European Parliament, EU directive on the protection of whistleblowers, http://www.europarl.europa.eu/news/en/press-room/20190410IPR37529/protecting-whistle-blowers-new-eu-wide-rules-approved

[2] Petr Leyer, Transparency International Czech Republic, interview by IRM researcher, 27 May 2019.

5. Open data on education and the education system

Language of the commitment as it appears in the action plan:
The objective of the commitment is to ensure publication of public data in open format and to automate the activities which will continuously update the open data. The Ministry of Education, Youth and Sports is implementing the MEYS Departmental Information System Project (MEYS DIS), where one of the key objectives is to ensure the publication of public data in accordance with the Open Data principle. This primarily concerns data on schools and school facilities held in the Schools Register/ Register of Universities, but also data describing their predominantly quantitative attributes – current numbers of schools / school facilities, their workers – i.e., both teaching and non-teaching staff, children / pupils / students, classes / departments / groups, equipment etc. Other departmental organisations under the direct aegis of the Ministry that hold data more qualitative in nature are also involved in the MEYS DIS concept.

Milestones:

- Presenting the data in the existing Register of Schools and School Facilities in the form of open data, including the insertion thereof in the National Catalogue of Open Data (interim solution by the MEYS DIS full operation launch);
- Launch of a public tender for suppliers for MEYS DIS;
- Implementation of MEYS DIS;
- MEYS DIS pilot operation;
- MEYS DIS full operation (comprising the automated publication of open data in an open format and the insertion thereof into the National Catalogue of Open Data)

For full text of the commitment please see: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/

Start Date: 1 September 2018
End Date: 31 December 2020

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

Context and Objectives

According to the Open Data Barometer (2016), the Czech Republic scored 44 out of 100 in an overall assessment of open data initiatives, falling five points compared to previous years. Moreover, the country scored very low with respect to primary and secondary education performance data with 15 out of 100 points for 2016.[1] This commitment aims to ensure the publication of open data on education (schools, school facilities, staff, and equipment, among others) in accordance with international open data standards. The Ministry of Education, Youth and Sports will be in charge of launching a public tender for suppliers and implementing the pilot operation, which will include the publication of the data in the existing Register of Schools and School Facilities and the National Catalogue of Open Data.

This commitment is specific enough to be verifiable, as it provides four clear implementation milestones: It is relevant to the OGP values of access to information and technology and innovation as it improves the quality of the information disclosed in an online platform and promotes the update and disclosure of new data under the direct aegis of the Ministry.

Since December 2018, the data has been available in the Schools Public Register (https://data.msmt.cz/). However, the data is mainly used internally by the public administration and is not available in an open format. The commitment could, therefore, have a positive minor impact, as it would allow wider public access to the currently available data and would change the publication form to comply with international standards. Moreover, the commitment aims to continue updating the information, which if implemented as written, would result in an improvement of the quality of the data.

Next steps

During implementation the following suggestions could be considered:

- Establish a clear timeline for the update of the data (weekly, monthly, etc.)
- Involve ultimate beneficiaries of the commitment (school community, journalists, CSOs working in the education sector) in the prioritization of the data to be disclosed.
- Preview an IT add-on that allows citizens to give feedback or introduce inquiries on the data disclosed.

---

[1] Open Data Barometer, Czech Republic, http://devodb.staging.wpengine.com/country-detail/?_year=2016&indicator=ODB&detail=CZE

6. Open data – information on schools and school facilities from the InspIS information system

Language of the commitment as it appears in the action plan:
The objective of the commitment is to publish in open data information on schools and school facilities from the InspIS Portal system and implement regular updates. Czech Schools Inspectorate holds data on schools and school facilities. Among other things, these data include practical information on the organisation of teaching, material equipment and the like. The information gathered by Czech Schools Inspectorate is also supplemented by information from the schools themselves. It is now available via the InspIS Portal - public information system (https://portal.csicr.cz), which is frequently visited by members of the wider public and pupils' legal representatives. Publishing data from this system in open format will enable the wider use thereof among potential consumers, including via other electronic applications (e.g., other portals dedicated to schools and education, map systems and applications, etc.).

Milestones:

- Preparation and implementation of a public tender for technical modifications to the InspIS system;
- Modifications to the InspIS system;
- Pilot operation;
- Full operation, publication of data and the entry thereof into the National Open Data Catalogue, automation of updates'

For full text of the commitment please see: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/

Start Date: 1 September 2018
End Date: 1 August 2019

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

Context and Objectives

The main objective of this commitment is to ensure the disclosure and update of information on schools and school facilities in open data format. The Czech Schools Inspectorate currently holds data which includes practical information on the organization of teaching materials, available equipment, forms and extent of teaching subjects, etc. Now, this information is available at the InspIS PORTAL[1] and is supplemented by the schools themselves. The InspIS system was established seven years ago and currently has around 100,000 unique visitors per year.[2]

According to the information provided by the Czech Schools Inspectorate, the data is currently used by the wider public, and pupils' legal representatives. The commitment aims to automatize the update and publication of databases in open format (RDF and CSV) and to enable data re-use by different information systems operators.

The commitment is specific enough to be verified as it includes clear milestones, such as the modifications to the InspIS system, carrying out a pilot operation, and the implementation of the full operation. However, it is not clear enough what type of data will be updated first, and if, through the implementation of this commitment, more educational data will be published. More specifications on the characteristics of the pilot phase would have been beneficial to determine the potential impact of the commitment.

The commitment is relevant to the OGP values of access to information and technology and innovation as it improves the quality of the information disclosed in the online InspIS PORTAL and promotes automatized updates for the available information. As written, this commitment has a minor potential impact as it focuses on improving the quality of the data published, and the internal process of automatized publication but it does not represent a major change in disclosure or accessibility of the data.

Next steps

During implementation it is recommended to:

- Increase the added-value of this commitment in terms of uses of the information, and what synergies can be built with the open data published through Commitment 5. Future commitments could examine the scope for an integrated platform with the data from the two commitments so as to better reach their target audiences.
- Ensure clear prioritization of data to be published in open format.
- Conduct awareness-raising activities on the use of the available data.

[1] The InspIS PORTAL, https://portal.csicr.cz
[2] https://www.csicr.cz/en/About-us/Basic-Information, accessed 1 November 2019.

7. Opening data – aggregated findings from outcomes of Czech Schools Inspectorate activities

Language of the commitment as it appears in the action plan:
The objective of the commitment is to publish in open data the outcomes of public inspection of schools from the InspIS Portal system and implement regular updates. Czech Schools Inspectorate holds extensive data sets acquired during comprehensive or thematic inspections primarily concerned with evaluating the quality of education in initial education. These data sets form the basis of the organisation's crucial and strategic outputs – annual and thematic reports or other similar documents are intended for professionals, education policymakers and other stakeholders. Although the individual information (more than 10 million individual records in the InspIS information system) relating to the specific topics of schools and school facilities is not public, it is possible to publish electronically selected (regional) aggregated data, which are now part of the above published reports (document format). The publication of such data in open format enables the wider use thereof by potential consumers, or alternatively also via other electronic applications.

Milestones:

- Preparation and implementation of a public tender for technical modifications to the InspIS system
- Modifications to the InspIS system
- Pilot operation;
- Full operation, publication of data and the entry thereof into the National Open Data Catalogue, automation of updates).

For full text of the commitment please see: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/

Start Date: 1 September 2018
End Date: 1 August 2019

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

Context and Objectives

This commitment is to publish in open data formats selected aggregated findings from the Czech Schools Inspectorate (CSI) InspIS system. Currently, the CSI carries out comprehensive evaluations on the operation of nursery, primary, secondary, and vocational schools, as well as on school facilities. The outcomes of these evaluations are then used for inspection reports, thematic reports, and public-legal audit protocols.[1] All these documents are public and accessible on the CSI website. However, the individual evaluation information (more than 10 million individual records in the InspIS system) is not public yet. This commitment aims to make those outputs available in open data to enable a more extensive use by potential consumers and other electronic applications.

The commitment is specific enough to be verified. Similarly to commitments 5 and 6, it entails the implementation of a pilot program, and the implementation of the full operation and it provides a clear timeframe for each milestone. However, it would require more specificity on the proposed modifications to the InspIS system, and a concrete proposal of which data is going to be published first, as well as a detailed schedule of publications during the pilot and implementation phase.

The commitment is relevant to the OGP values of access to information and technology and innovation as it increases the amount of information disclosed and is aligned with international publication standards. As written, the potential impact of the commitment is moderate. According to the government point of contact for OGP, so far, more than 32 million individual indicators were collected in the past 10 years, but they have been released selectively as tables and graphs only. This commitment would change the status quo as it will enable primary data to be released. However, there are still ongoing discussions on which datasets will be published first and how the data will be updated in the system. Moreover, it is not clear how the released data will be used or integrated into other systems.

Next steps

During the implementation phase, the following suggestions should be considered:

- Effectively target ultimate beneficiaries (school community, journalists, CSOs or enterprises working in the education sector) in the data disclosure prioritization.
- Establish a clear schedule for the disclosure of the data (which dataset and when it will be published)
- Conduct awareness-raising campaigns on the use of the available data.

[1] https://www.csicr.cz/en/About-us/Basic-Information, accessed 1 November 2019.

8. Ensuring the publication of digital content of a wide variety of natures, supported by public funds, under a Creative Commons open license (or another such), thereby simplifying access to it and enabling modification and sharing with all education stakeholders

Language of the commitment as it appears in the action plan:
The objective of the commitment is to ensure publication of wide variety of digital content, supported from public funds, under a Creative Commons open licence, thereby simplifying access to it and enabling modification and sharing with all stakeholders. The expected outcome is that the great majority of digital content created with support from public funds will have set rules of use as a default which will enable further sharing and modification.

Milestone:

- Within the subsidy programmes of the Ministry of Education, Youth and Sports and the Ministry of Labour and Social Affairs, the new contracts for applicants for and recipients of financial support stipulate the obligatory use of Creative Commons licenses, ideally the BY or BY-SA variants.

For full text of the commitment please see: https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/ctvrty-akcni-plan-2018-2020/faze-vytvoreni/

Start Date: 1 September 2018
End Date: 31 August 2020

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

Context and Objectives

The commitment is to publish a variety of digital content supported by public funds under a Creative Commons open license or similar publication format. Currently, the Ministry of Education, Youth and Sports requires the use of a Creative Commons open license for applicants and recipients of one of their research programs (OP RED). The idea of this commitment is to extend this good practice to other subsidy programs of the ministry and also include the Ministry of Labour and Social Affairs.

The commitment is specific enough to be verified and requires the subsidy programs of the Ministry of Education, Youth and Sports and the Ministry of Labour and Social Affairs, to issue internal regulations to make the different programs comply with the obligatory contract request in the use of Creative Commons licenses (ideally the BY or BY-SA variants). However, the commitment lacks specificity as it is not clear which subsidy programs will be requested to comply with this new requirement, and how the ministries will ensure the use of these licenses by applicants and grantees.

The commitment is relevant to the OGP values of access to information and technology and innovation as it aims to publish educational material and digital products that are currently not available online under a public copyright license for free further use. As written, the potential impact of this commitment is minor. Although the mandatory publishing of research and public outputs would be important to protect the investment of public funds and make knowledge products publicly available at no cost, it is not yet clear how many programs will participate, or how these measures will be ensured by the ministries.

Next steps

During the implementation phase, the following suggestions should be considered:

- Define which programs will participate
- Prioritize which types of research products will be published first and create a concrete publication schedule
- Involve CSOs and other relevant stakeholders in the decision-making process

V. General Recommendations

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

5.1 IRM Recommendations

Elaborate a long-term open government strategy

- Discuss a long-term open government strategy to identify new areas of commitments, to ensure that the OGP agenda matches the country priorities
- Invite different stakeholders beyond the "usual suspects" to take part in the OGP process (politicians, businessmen, civil society organizations that do not participate in the MSF, academics, trade unions, etc.)
- Raise awareness on the OGP agenda including the participation of the subnational and local levels

Bring in more expertise to the multi-stakeholder forum

The implementation assessment meetings, as well as the co-creation process could benefit from the participation of government and non-governmental experts on the subjects of discussion to facilitate informed decision making.

During the implementation and oversight meetings, the IRM suggests that the experts from responsible lead implementing agencies be present and outline the significant successes and challenges for implementation of specific commitments. Another aspect that could lead to more productive conversations would be to assign a discussant within the MSF who can prepare a presentation and provide informed feedback as a starting point for the discussion. The coordination unit could be responsible for invitations, and coordination of tasks with more of the content duties shifted to the individual members of the MSF.

Continue efforts in opening the court system

Measures to publish all decisions of lower courts online and to make better court statistics publicly available are welcome undertakings in the current action plan. Given widespread public concerns over the independence of the judiciary, as manifested during the public protests in 2019, the next action plan needs to prioritize open justice reforms.

Include commitments to foster civic participation and public accountability

The next action plan needs to include commitments that are relevant to the OGP values of public accountability and civic participation. In this respect, previous experiences such as the National Convention – Open Debate on Europe[1] could be taken into account.

Among others, the following measures could be considered:

- Adopt the whistleblower-protection law; creating protections for whistleblowers in line with the newly adopted EU Directive is viewed to be one of the priorities by the anti-corruption watchdogs
- Promote citizen audits and fora

- Establish hotlines and citizen feedback mechanisms, creating public tracking systems for public complaint processes
- Open up decision making in public services by creating user feedback channels

Facilitate the debate on the reform of access to information

According to the Global Right to Information Rating 2018,[2] the Czech Republic received only 72 points out of a maximum of 150. Major problems were identified in the area of right to access, requesting procedures, exceptions and refusals, and appeals and sanctions. The Czech Republic scored 0 out of a maximum of eight points. To improve this, the MSF could facilitate the debate around this reform and necessary amendments to the access to information legislation.

Moreover, the introduction of an oversight body or information commissioner could be part of the reform. This could also de-burden the courts and improve enforcement of the legislation. The collection of relevant statistics could also be adjusted so that they could serve as a source for developing recommendations and best practices. Finally, it would be important to facilitate the process of opening data in the environmental area Act No. 123 /1998.

Promote a further push for open data

Despite all the essential steps that have been taken in the past few years, there is lack of progress on pushing the open data agenda across the entire public administration in the Czech Republic. Many government bodies are still reluctant to open data for public use. Opening data in the areas of environment or transport could be an important next step. A comprehensive approach facilitating the faster implementation of Digital Czechia[3] objectives, e-governance and e-participation, and facilitation of development of civic tech could be part of the long-term OGP strategy so that the initiative effectively supports the implementation of digitalization and thus enhanced transparency of governance.

Table 5.1: Five Key Recommendations

1	**Elaborate a long-term open government strategy.** Discuss a strategy to identify new areas for commitments, to ensure that the OGP agenda matches the country priorities and can produce long-term results.
2	**Continue efforts in opening the court system.** Given demonstrated public concerns with the independence of the judiciary, the next action plan needs to continue efforts on judicial transparency and prioritize open justice reforms.
3	**Commit to adopt the whistleblower protection law.** Create protections for whistleblowers in line with the newly adopted EU Directive.
4	**Facilitate the debate on the reform of access to information.** The MSF could facilitate the debate around amendments to the access to information legislation, and the introduction of an oversight body.
5	**Promote a further push for open data.** Opening data in the areas of environment or transport could be an important next step.

5.2 Response to Previous IRM Key Recommendations

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
1	Improve the multi-stakeholder approach and action plan implementation oversight Raise the OGP profile by establishing a standing working committee on OGP under the Government Anti-Corruption Council with equal representation from public administration, civil society, academia, and other stakeholders.	✔	✔
2	Improve commitment formation Revise the government's logic when approaching OGP commitments in order to verify a clear relation between the objectives and goals within the OGP initiative, and the results and activities defined in the written commitments	✘	✘
3	Manage the GDPR concerns within open data Respond to GDPR concerns and reflect these concerns in the commitment on open data in the next action plan.	✘	✘
4	Improve open contracting Require mandatory publication of the public subsidies and grant contracts in the register of contracts.	✘	✘
5	Improve access to information legislation Introduce an oversight body or information commissioner as part of the reform and amend the legislation to codify the information order issued by the superior administrative body.	✘	✘

The key recommendations from the IRM Progress Report for the Czech Republic's 2016-2018 action plan were discussed during the public event on 24 September 2018. The government stakeholders took note of the recommendations and acknowledged the relevance of the first two process-related points. However, participants expressed that there was not enough time to address the recommendations properly, since the fourth action plan was already in its implementation phase.

The first recommendation on improving the multistakeholder approach and action plan implementation oversight was taken into account due to the need to comply with the new OGP Participation and Co-creation Standards. Four additional civil society representatives joined the MSF so as to guarantee parity with government representatives. Finally, the Working Committee on Transparency of Public Administration was renamed as the Working Committee on Open Government and Transparency of Public Administration and serves now as the MSF.

As for the second recommendation, the commitments are primarily largely formulated around the pre-existing tasks or projects of the government´s lead implementing agencies, which could potentially lead to difficulties with verifiability and timeline.

The topical recommendations were not reflected in the fourth action plan and none of the recommendations were raised during the preparatory phase of the fourth action plan. The topics focused on open data in the area of education, open justice, whistleblowing, anticorruption measures (certification of public companies), and implementation of the Civil Service Act.

---

[1] National Convention – Open debate on Europe, https://www.narodnikonvent.cz/national-convention-open-debate-on-europe/.
[2] Global Right to Information Rating, Czech Republic, https://www.rti-rating.org/country-detail/?country=Czech%20Republic
[3] Digital Czechia, https://www.digitalnicesko.cz/zakladni-informace/

VI. Methodology and Sources

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

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

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

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

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

Interviews and stakeholder input

For the purpose of this report, 13 interviews were carried out with 15 stakeholders focusing on process assessment and content of the individual commitments.

The IRM researcher conducted the following interviews:

- Stepanka Cvejnova, Ministry of Interior of the Czech Republic, telephone interview, 16 July 2019.
- Dalibor Fadrny, OGP POC, Ministry of Justice of the Czech Republic, interview, 3 May 2019.
- Vaclav Jelen, Ministry of Education, Youth and Sports, interview, 27 May 2019.
- Lenka Jezkova, Oziveni NGO, interview, 10 June 2019.
- Janusz Konieczny, expert of the Pirate party, interview, 14 June 2019.
- Tamara Kovacova – EDUin, telephone interview, 6 May 2019.
- Lenka Kovacova, The Open Society Fund Prague, telephone interview, 25 June 2019.
- Frantisek Kucera, OGP POC, Ministry of Justice of the Czech Republic, interview, 3 May 2019.
- Petr Leyer, Transparency International Czech Republic, interview, 27 May 2019.
- Kamil Melicharek, Czech Schools Inspectorate, telephone interview, 23 May 2019?
- David Panek, Ministry of Justice of the Czech Republic, interview, 17 May 2019.
- Eva Pasekova, Ceska Justice Portal, interview, 12 June 2019.
- Premysl Sezemsky, Ministry of Justice of the Czech Republic, email questionnaire (3 July), follow-up phone interview, 5 July 2019.

- Jaroslav Svoma, The Office of Public Defender of Rights, telephone interview, 27 May 2019.
- Pavol Zilincik, The Office of Public Defender of Rights, telephone interview, 27 May 2019.

About the Independent Reporting Mechanism

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

The current membership of the International Experts Panel is

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

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

[1] Ministry of Justice of the Czech Republic, https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/
[2] IRM Procedures Manual, V.3, https://www.opengovpartnership.org/documents/irm-procedures-manual

Annex I. Overview of the Czech Republic´s performance throughout action plan development

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

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

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

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

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