

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

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Executive Summary: São Paulo

The co-creation of São Paulo's second action plan was characterized by an increase in civic participation, compared to the first plan. However, after the plan's milestones were revised, there was a decrease in the potential impact of two of its five commitments. As a whole, São Paulo's action plan represents an important step towards the consolidation of an open government agenda with incremental advancements. Given the action plan was the result of a broader effort to involve civil society organizations, it will be key to follow how civic engagement evolves during the plan's implementation.

The Open Government Partnership (OGP) 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. São Paulo joined OGP in 2016. Since, São Paulo has implemented one action plan. This report evaluates the design of São Paulo's second action plan.

General overview of action plan

This São Paulo's second action plan since open government policies started being implemented in the city at the end of 2012. With the creation of a dedicated agency for open government efforts and the implementation of transparency initiatives, the city has experienced incremental institutional improvements since. The first action plan was a tool to consolidate some of these initiatives, and the current one include new efforts to continue addressing governance challenges.

The key improvement on the design of this action plan is its significant increase on civil involvement, with both remote and live participation. This is a good practice that should be continued and improved moving forward. Also noteworthy is that public service delivery commitments, such as the commitment on education, were included for the first time. However, the potential impact of the commitments in general were minor or moderate, a result from a revision of the commitments of the plan that made them less ambitious.

Table 1. At a glance

Participating since: 2016
Action plan under review: 2nd
Report type: Design
Number of commitments: 5

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: 5 (100%)
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



The co-creation process of the current plan, with improved participatory activities, yielded commitments more pertinent to citizens demands and their perception of government challenges. In the current action plan, more stakeholders from civil society organizations were included in the co-creation process and the public consultation procedure was enhanced, generating more contributions from the citizens and wider range of inputs from civil society organizations. However, the process could be strengthened by better incorporating civil society inputs when selecting and drafting the final commitments.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle.
<p>Commitment 4: Education</p> <p>Increase transparency, technology and innovation to promote monitoring and decision making in Educational Units.</p>	<p>It is recommended to incorporate a discussion or participatory workshop to allow civil society to opine on the characteristics that will compose the digital tool to be developed. It would also be helpful to strategically define the number and location of training sessions so that a significant number of people and organizations can be trained on the new tool.</p>	<p><i>Note: this will be assessed at the end of action plan cycle</i></p>
<p>Commitment 5: Fight Against Corruption</p> <p>Guarantee access to contracts, bids, and budgetary execution to improve monitoring in the bidding process</p>	<p>Simplifying the standardization and improvement of publications of procurement information procedure would improve the outcomes of this commitment.</p> <p>It is recommended to better specify the goals to be attained with the capacity building activities, defining specific gaps to be addressed and connecting them to the main objective of the commitment; and to launch co-creation and crowdsourcing actions and retrieve research and learnings from the initiatives undertaken by the Office of the Municipal Comptroller.</p> <p>It is also recommended to Integrate key stakeholders (civil servants that work directly with procurement and supplier companies) not only at the end stage, as stated, but also at the earlier stages, before and during the concrete actions are undertaken, to integrate the procurement information, as they will probably play an important role in improving the commitment’s data.</p>	

Recommendations

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

Table 3. Five KEY IRM Recommendations

Promote public accountability commitments
Expand participation along all the process of co-creation
Give priority to policy themes that are connected to everyday people's lives
Improve the co-creation process in order to increase the quality of commitments
Increase participation through the creation of an online forum

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



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.

São Paulo joined OGP in 2016. This report covers the development and design of São Paulo 2nd action plan for 2018-2020.

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

II. Open Government Context in São Paulo

São Paulo has been one important city in Brazil for participatory experiences and open government initiatives. The city was one of the 15 subnational entities to enter the OGP Pilot Program in 2016. Over the past five years, the city has witnessed important improvements in terms of open government policies.

São Paulo City is the largest city in Brazil, with 12 million people¹, and it is the country's economic hub. It has the largest municipal gross domestic product (GDP) in the country, accounting for around 11 percent of the national GDP.

São Paulo City is divided into 96 districts and 32 *subprefeituras* (set of districts). The *subprefeitura* is an administrative unit responsible for sub-local policies, and it is run by an appointed sub-mayor. Unlike sub-local administrative units in cities like Buenos Aires and Paris, the *subprefeituras* have only limited administrative and financial autonomy, and their budgets are defined and allocated as part of the overall budget planning of City Hall.

Budget constraints and general administrative changes

Brazilian municipalities are in fact considered a federal body by the Federal Constitution of 1988, alongside states, the federal district and the union itself. They maintain financial and administrative independence from the remaining federal entities). The municipalities carry responsibility for the delivery of a series of public services, including primary health services and primary education. Some of these responsibilities are shared with the state.

The cities however have a limited capacity to raise revenue through taxation. Although some local taxes exist (urban land tax, service taxes, car licencing fees), most are controlled and managed at the federal and state levels, which, in turn, transfer part of their revenue to municipalities. Therefore, São Paulo's budget comprises municipal taxes and transfers from the state and federal budgets. The local politics is organized in a separation of powers structure, in which the executive proposes the municipal budget and the city legislative body (council) approves it as a bill, through a series of planning instruments: the Pluri-annual Plan, the Budget Guidelines Law, and the Annual Budget Law.

The Constitution mandates public hearings with local citizens as part of this process. During this pilot plan, São Paulo operated under fiscal restraint, intrinsically related to Brazil's national economic context, in recession or stagnation since 2014.

Although the recession is officially over, the Brazilian economy is still stagnant, and the local and state government's fiscal policies are particularly under stress.

São Paulo and OGP

Brazil is a founding member of OGP, and the city of São Paulo has been, historically, one of the country's main innovation centers² for citizen participation since the creation of "policy councils"

¹ IBGE Cidades - <https://cidades.ibge.gov.br/brasil/sp/sao-paulo/panorama>

² "In relation to participation, the city of São Paulo has absolutely fascinating specificities that make it a special case to be studied." In: Avritzer, Leonardo (org). A Participação em São Paulo. Editora Unesp: São Paulo, 2004.

during the 1990s³. These initiatives, fuelled by the return of democracy, have involved continual decentralization and power-devolution efforts along with short-lived participatory budgeting⁴.

The next important institutional breakthrough happened several years later. During the last days of the Gilberto Kassab administration, at the end of 2012, city hall issued a decree⁵ that established the regulation for the newly approved Access to Information Law, approved at the national level. This decree established the basis for the implementation of the access to public information law at the city level, and it was mostly put in motion by the next administration, during Fernando Haddad's term (2013–2016).

In 2013, the Municipal Access to Information Law came into force. At the same time, the newly elected mayor established the Office of the Municipal Comptroller (CGM), a control, auditing, and oversight body with secretarial status. CGM promotes integrity, transparency, and citizen oversight of municipal public services.

More recently, it is worth highlighting that São Paulo's open government agenda was established in 2014, prior to the OGP-São Paulo partnership⁶. The government formalized these initiatives early that year through the Municipal Executive Decree 54.794/2014. This decree established the São Paulo Aberta Initiative and the Open Government Inter-Secretarial Committee of São Paulo (CIGA for its initials in Portuguese). Some important initiatives of São Paulo Aberta were the Open Government Agents Program and the Open Cabinet, respectively; a capacity-building project on open government subjects and an initiative on accountability in which high-level authorities of the administration answered people's question in an open meeting, broadcast live on the internet as well.⁷

In 2016, São Paulo was one of the 15 subnational governments to be selected to participate in the OGP Local Program. In close collaboration with the Integrity Promotion Division/Office of the Municipal Comptroller (CGM), São Paulo Aberta led the co-creation process for the elaboration of the First Open Government Action Plan.

The first action plan was meant to primarily focus on strengthening governance and programmes recently created. In this sense, the OGP commitments were an opportunity to consolidate existing initiatives rather than creating new policies. Out of the 5 commitments, 4 were related to existing open government programmes. Moreover, out of these 5 commitments, 4 were related to capacity building. In other words, the commitments were more focussed on preparing the state apparatus and civil society to incorporate open government ideas and practices, which later could have a direct effect on people's lives.

After the 2016 local elections, the main transparency and accountability body, the CGM suffered important changes: first, right after mayor João Doria Jr took office in January 2017 he rescinded its autonomous secretarial status⁸. The CGM became a division that would report to the Justice Secretariat - no longer to the mayor directly. Also in 2017, when mayor Doria took office, he created the Municipal Secretariat for Innovation and Technology (SMIT), which, was responsible for some open government initiatives, amongst other projects to support other areas of the administration more generally.

³ São Paulo's oldest policy council was created in 1989:

https://www.prefeitura.sp.gov.br/cidade/secretarias/saude/conselho_municipal/index.php?p=6031

⁴ See Marin, Pedro de L. e Guerrini, Ana W. Participação na cidade de São Paulo no período de 2001 a 2016: do orçamento participativo ao programa de metas. In: Revista Brasileira de Políticas Públicas e Internacionais, v.2, n.1, July 2017, pp. 109-128.

⁵ Municipal Decree n° 53.623/2012

⁶ See Waisbich, Laura T. IRM São Paulo Progress Report 2017: https://www.opengovpartnership.org/wp-content/uploads/2019/01/Sao-Paulo_Final-Report_2017.pdf

⁷ Prefeitura Municipal de São Paulo. Memória da Iniciativa São Paulo Aberta. São Paulo: 2016.

⁸ Municipal Decree n° 57.576/2016

In that period, one of the open government policies implemented was the Pátio Digital programme, launched in 2017. The programme seeks to develop new and open systems and digital services to strengthen transparency and to develop collaborative processes with the society in the field of public education.

In 2018, general and state elections were held, and the newly elected mayor, João Doria Jr, who took office in January 2017, resigned in April 2018 to run for the state office. As a result, his vice mayor, Bruno Covas, took over and will complete the rest of the four-year term.

In regard to the first pilot action-plan, one administration (Fernando Haddad, Worker's Party, 2013–2016) created the plan, and another (João Dória/Bruno Covas, Brazilian Social Democratic Party, 2017–2020) implemented it. The current plan (2018–2020) will be the first one conceived and implemented by the same administration.

The current mayor brought about a series of administrative changes, even though his predecessor was from the same political party. One year and five months after João Doria Jr resigned, Mayor Bruno Covas re-established the autonomy of the CGM, in August 2018⁹. The changes in open government policy included the management of the *São Paulo Aberta* programme. Together with this shift, the name of the programme was also changed to “Supervisão para Assuntos de Governo Aberto”. Previously, the programme was run by the International Relations Secretariat, and now it falls under the Secretariat of Government.

Over the past seven years, major institutional advances occurred, with the enactment of the new legislation, creation of a governmental agency and the development of policies and programmes dedicated to fostering transparency within the administration. However, challenges remain to further engage civil society and citizens in general and to incorporate open government mechanisms into “end-areas” policies (education, housing, health, etc.). This is exactly what the new action plan is trying to address.

Indeed, one recurrent demand for the present plan mentioned in several interviews is to mainstream open government policies in the “end-areas”. In this sense, the current action plan has made significant steps to address this challenge.¹⁰ Two out of five commitments are related to such policies whereas the previous plan had none. It is the case for commitment 2, on decentralization, and commitment 4, on education. In addition, commitment 5, on fighting against corruption, albeit not particularly linked to an end-area policy, addresses a very important concern of the population.

III. Leadership and Multi-stakeholder Process

The process carried out by the Multi-stakeholder Forum in São Paulo stood out for its methodology and participatory process, which achieved a significant advance in relation to the preparation of the previous action plan. Nevertheless, some adjustments are necessary to obtain even better results in terms of the quality of the commitments. Clear rules of operation and definition of the roles of each actor, in addition to allowing more time for analysis and refinement of the text of commitments is essential.

3.1 Leadership

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

⁹ Law n° 16.974/2018 on the organization of the direct public administration: <https://bit.ly/2KK9UX8>

¹⁰ Interview with Ana Dienstmann, open government advisor at the Office of the Municipal Comptroller (CGM), 26 March 2019 and interview with Maria Angélica Oliveira, representative of *Projetos Integrados de Desenvolvimento Sustentável* (PIDS), 20 March 2019.

The legally mandated body in charge of promoting the open government agenda in the city is the Open Government Inter-Secretariat Committee¹¹ (CIGA, for its initials in Portuguese), created in 2014, to consolidate, disseminate, and articulate the open government initiatives with different areas of government¹².

The Supervision for Open Government Affairs (SAGA, for its initials in Portuguese), a structure located within the Municipal Government Secretariat (SGM, for its initials in Portuguese), is the executive body responsible for the preparation of the Open Government Action Plan formally enacted by CIGA. SAGA replaced *São Paulo Aberta*, the body that took care of the preparation and implementation of the first Open Government Action Plan. This change occurred in 2018, through Decree 58.162,¹³ which restructured the SMRI, and established the transfer of competencies and responsibilities from *São Paulo Aberta* to SAGA. Recently, with the extinction of SMRI in early 2019, SAGA was transferred to the Municipal Government Secretariat (SGM).

Additionally, the government included the implementation of the 2nd Open Government Action Plan in the Goals Programme (Programa de Metas),¹⁴ a legally binding planning instrument that coincides with the mayor's mandate duration. This inclusion raised the action plan and open government policies' profile and status in the political agenda.

The entire co-creation of the action plan is run by the Multi-stakeholder Forum (Fórum de Gestão Compartilhada, FGC). The FGC is comprised by government agencies representatives, as well as civil society organizations, with equal weight for each actor in the forum.

There is no specific budget to develop the activities related to the OGP, but the FGC received US\$52,000 in support in the form of the Award of the Trust Fund for Participation and Co-creation¹⁵ to develop collaboration between public authorities and civil society that resulted in the commitments of the 2nd Action Plan. In terms of staff, one staff member (point of contact) is dedicated entirely to executive tasks related to OGP activities and to making the liaison between city hall and OGP. The rest of SAGA's four staff members¹⁶ are dedicated partially, at least 50 per cent of their work time, dedicated to the co-creation process. During the preparation of the plan, the team was more intensively involved in the activities, participating in preparatory meetings and co-creation workshops. Each of the other secretariats participating in the FGC has an official who acts as a focal point and is involved in the process of co-creating the plan and, subsequently, in the articulations and actions necessary for the commitments' execution.

The transfer of the body to the Municipal Government Secretariat is a change that places the issue of open government in a more strategic portfolio¹⁷, as the SGM is part of the Mayor's Office, and in addition to advising the mayor, coordinating and integrating government efforts is its main task.¹⁸ In

¹¹ Decree 54.794/2014: <http://legislacao.prefeitura.sp.gov.br/leis/decreto-54794-de-28-de-janeiro-de-2014>

¹² CIGA is an Inter-secretariat council that was created in 2014 before the OGP São Paulo city partnership. It was conceived to mainstream open government policies and practices across the administration, and it features 16 secretariats and the IT public company PRODAM. Another different body is the Multi-stakeholder Forum that is composed of eight secretariats, some of which integrates the CIGA, and eight representatives from civil society. More information on CIGA can be found here: <http://legislacao.prefeitura.sp.gov.br/leis/decreto-58596-de-7-de-janeiro-de-2019/>

¹³ Decree that restructures the Municipal Secretariat of International Relations: http://programademetas.prefeitura.sp.gov.br/assets/up/Programa%20Metas%202019-2020_texto.pdf (site currently under maintenance)

¹⁴ See Goal 34 at Goals Programme:

https://www.prefeitura.sp.gov.br/cidade/secretarias/relacoes_internacionais/noticias/?p=260924 .

¹⁵ The information about this award can be retrieved at:

https://www.prefeitura.sp.gov.br/cidade/secretarias/relacoes_internacionais/noticias/?p=260924

¹⁶ The team is comprised by two interns working in part-time, five members from the technical team and one team supervisor.

¹⁷ Although this is an important change, it only happened after the co-creation process, in 2019. It did not cause any impact in the conception of the current action plan.

¹⁸ Interview with Patrícia Marques, supervisor at *Supervisão para Assuntos de Governo Aberto* (SAGA), 25 March 2019.

this sense, SGM's migration can help foster the effectiveness of the implementation of commitments. According to some interviews, however, this advantage will only materialize if effective institutional channels are created between SAGA coordination and the Secretariat's decision-making bodies.¹⁹ Another point of attention is that this advantage presupposes the continuity of the work of awareness raising of the top-level staff in relation to the open government agenda's strategic importance.²⁰ Even with taking these caveats into account, this secretariat shift, together with the inclusion of the action plan within the Goals Programme, can further improve how the leadership is set up and can contribute to the implementation of OGP reforms.

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. São Paulo **did not act** contrary to OGP process.²¹

Please see Annex I for an overview of São Paulo 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.²² 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	

¹⁹ Two respondents highlighted this perspective. They have requested that this statement should be anonymous.

²⁰ Two respondents highlighted this perspective. They have requested that this statement should be anonymous.

²¹ "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

²² "IAP2's Public Participation Spectrum," IAP2, 2014.

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

Multi-stakeholder forum

São Paulo has had an FGC since the beginning of the first process of the action plan's co-creation. A process of renewal of its members in the first half of 2018 occurred before the beginning of the process of preparing the 2nd Action Plan. To carry out this renewal, CIGA launched a public call for applications from organizations and individuals interested in applying for one of the eight seats of representation from various sectors of society. In this announcement, it is established that the vacancies are distributed as follows:

- one representative of the academy;
- one representative of the private sector;
- two representatives of social/popular movements;
- two representatives of civil society organizations working on open government issues;
- one representative of the organization involved with the theme of technological innovation;
- and
- one former open government agent.

In total, CIGA received 18 applications, from which 12 were approved to participate in the elections. The remaining 6 were rejected, either because organisations were not formalized or because they could not prove previous experience related to open government themes. The elections for the representatives were held in a face-to-face session, by a vote of all those present. The session was open to all interested in participating in the elections, but it was necessary to do an online pre-registration. There were 46 people voting in total. Despite the openness, one representative of civil society highlighted that participation in this session was very limited due to the difficulty of attending the session in person.²³ The same interviewee added that in practice, most session participants were part of a delegation from the same organisation as that of some of the candidates.

The FGC does not have formalized bylaws, but several of its interviewed members confirmed that the bylaws' creation is underway via the supervision of a working group specifically created to address the issue. The elected representatives were as follows:

Government	Civil Society
Office of the Municipal Comptroller	Associação de Projetos Integrados e Desenvolvimento Sustentável (PIDS)
Secretariat of Management	Fundação Escola de Comércio Álvares Penteado (FECAP)
Municipal Secretariat of Government	Instituto Update ²⁴
Secretariat for Technology Innovation	Movimento Cultural das Periferias (MCP)
Secretariat of Human Rights and Citizenship	Rede pela Transparência e Participação Social (RETPS)
Secretariat of Urban Planning and Licensing	Transparência Brasil
Secretariat of International Relations	World Resources Institute Brasil
Municipal Court of Auditors	Former open government agents

²³ Interview with Renata Galf, transparency analyst at Transparência Brasil, 19 March 2019

²⁴ This organization left the FGC in April 2019 according to São Paulo Open Government Action Plan (2018-2020). It appointed Fundação Tide Setúbal for the replacement, which was approved by the FGC.

In the civil society group, four organisations have a professional NGO profile: (1) Transparency Brazil, which operates in the themes of transparency, combating corruption and social control; (2) RETPS, a network composed of several organisations²⁵ that work to promote transparency of public power and greater participation in society; (3) Update Institute, an NGO that supports political innovation; and (4) WRI Brazil, an international organisation that works with research and implementation of sustainable development projects for cities, forests and the climate. The MCP, a social movement composed of several cultural associations and artists from city outskirts, and the PIDS, a civil society association active in social themes and social participation, are both grassroots organizations that work in peripheral territories of the city. An innovation in relation to the composition of the previous Forum was the inclusion of an academic entity, FECAP, and a representative of previous editions of the Open Government Agent Program. In this sense, São Paulo managed to diversify the profile of organisations participating in the FGC. Also, more secretariats were involved in the process in relation to the previous action plan. In the 2016 action plan there were 2 secretariats represented, and in the current plan there are 8..

In terms of gender balance, of the 16 full representatives in the FGC, eight are women²⁶.

The FGC meets at least every month, and the minutes of the meetings are published on the SAGA website.²⁷ The meetings always take place in the city centre, in the City Hall building, as it is a place easily accessible to all, although distant for some representatives of the Forum.²⁸ Some working group meetings were held virtually. The working groups were established to give more agility to certain themes because each group can focus on a particular theme. In addition to the discussion of the drafting of the regulations, working groups were formed to discuss communication during the process of co-creation and engagement and to define the methodology to be used for the elaboration of the commitments.

A broad external public was able to participate in different moments of the process of co-creation of the plan. The process can be divided into three stages that defined the final commitments:

- (1) **Definition of priorities and themes for the commitments:** this stage comprised the first open co-creation workshop in which three themes of the action plan were chosen and a virtual public consultation in which two more themes were defined. In the same virtual consultation, the public was also asked to point out the main problems related to all 5 themes;
- (2) **Commitments drafting stage:** ten open territorial workshops in which the commitment proposals were elaborated by groups combining government representatives, civil society and the public in general. Results from the virtual consultation, in particular the problems raised, were used to feed discussions; and
- (3) **Virtual public consultation stage:** the public was able to vote to define the five commitments to be adopted in the action plan.

An important aspect to be taken into account is that the FGC had no bylaws²⁹ during the period of the process of co-creation of the action plan. This resulted in difficulties in decision-making for the process as a whole, resulting in some delays in carrying out activities.³⁰ For instance, it is not clear what the FGC can decide and what the smaller working groups can decide, groups created to distribute tasks. One respondent reported that there were situations in which operational matters

²⁵ Rede Nossa São Paulo, Artigo 19, Ação Educativa, W3C, Instituto Ethos are some of the organisations that integrates the network RETPS: http://retps.org.br/?page_id=2

²⁶ A list of the FGC members was retrieved on April 18th 2019:

https://www.prefeitura.sp.gov.br/cidade/secretarias/relacoes_internacionais/sao_paulo_aberta/index.php?p=260993

²⁷ These documents can be found at the Secretariat's website:

https://www.prefeitura.sp.gov.br/cidade/secretarias/relacoes_internacionais/sao_paulo_aberta/index.php?p=260991

²⁸ Interview with Gabriela Boechat and Henrique Goes, civil servants at *Supervisão para Assuntos de Governo Aberto* (SAGA), 25 March 2019.

²⁹ The bylaws of the FGC are still being prepared according to several representatives of civil society and government.

³⁰ Interview with Danielle Bello, advisor at Municipal Education Secretariat (former OGP's point of contact at São Paulo Aberta), 26 March 2019.

were deliberated by a particular working group and then had to be discussed all over again by the FGC as a whole, delaying the decision-making process.³¹ Due to the lack of regulations, issues such as the participation of external audiences beyond CSO elected members in ordinary FGC meetings were not defined either.

Participation and engagement throughout action plan development

The FGC designed and implemented the entire process of co-creating the plan. The CSO members played an active role in this, which was confirmed by the minutes of the meetings³² and interviews conducted for this report. The process began after its composition in May 2018. The steps and methodologies of the process were defined in meetings of the FGC in decisions taken jointly by civil society and government representatives. Many of the decisions were made by vote, as evidenced by the minutes of the meeting of 1 August 2018.³³ For example, the group defined how the themes of the commitments would be defined, how many themes would be defined in online consultations and in a face-to-face workshop, and whether there would be external facilitation for the meetings. All the stages of the process were explained for the first time to a wider audience at the first opening workshop of the process held on 8 August 2018.

To define the priorities/themes, the FGC developed the following activities: (1) a first workshop attended by civil society members, the public in general and government representatives in which participants raised priorities and themes to be debated, and then voted on the top three to be included in the commitments; (2) following the workshop, an online public consultation was conducted to elect two more themes. The themes chosen both at the workshop and through the public consultation were established during the workshop.

The FGC then decided how many of the five priorities were to be chosen at the workshop with government, civil society representatives and the public in general and how many were to be decided in a virtual public consultation also open to the population as a whole. By 7 votes to 5, the majority of the FGC, including two civil society organizations, decided that three priorities should be chosen in the workshop, and two on the public consultation. Other 4 civil society organizations and one government agency voted in favour of having 3 priorities set by the citizens in the virtual consultation, and 2 in the workshop with civil society and governments. There was also a civil society representative who voted for a more flexible approach (decide the proportion later). The perception of the IRM researcher is that, although this was a participatory process in which civil society was able to voice their opinions, some minor adjustments could have been done to bring more weight in defining priorities in favour of the citizens of the municipality. In doing so, the action plan would have more chance to speak to the interests and needs of the population. For instance, in the virtual consultation, two themes received high voting (Health and Mobility), but not enough to make the top two most voted themes and were disregarded. This view is shared by one of the representatives of civil society participating in the process³⁴. Furthermore, giving greater weight to the general public at this stage can also increase the chance for choosing themes that mobilize more people to participate in the later stages of construction of commitments. In this case, it is also easier to map the organizations and social movements active in each theme to be invited to the territorial workshops³⁵.

³¹ Interview with Joara Marchezini, coordinator of access to information at Article 19 and representative of RETPS at the FGC, 25 March 2019 (by telephone).

³²All the meetings minutes are available at the website of *Supervisão para Assuntos de Governo Aberto*: https://www.prefeitura.sp.gov.br/cidade/secretarias/governo/governo_aberto_na_cidade_de_sao_paulo/index.php?p=273790

³³ Ibid.

³⁴ The respondent requested this statement to be anonymous.

³⁵ Interview with Joara Marchezini, coordinator of access to information at Article 19 and representative of RETPS at the FGC, 25 March 2019 (by telephone).

On the government side, it is justified to choose three themes in the face-to-face activity because this is a time that there is the possibility for a qualified debate on the city's problems.³⁶ Indeed, in the online consultation, no forum exists that allows for debate, but it would be necessary to think about ways to give more weight to civil society organisations and social movements in the workshop with face-to-face consultation. For example, opening the online consultation before the face-to-face meeting, even should the 2:3 ratio be maintained, could potentially increase the weight of civil society and ordinary citizens (one could narrow down the topics discussed at the workshop by shortlisting the top 10 themes of the online consultation after the top two, already defined).

Although there is room for further improvement, it is important to highlight that the process of co-creation has shown significant advancement in relation to the previous process with respect to the participation of civil society and citizenship. With regard to participation, it is worth noting that there were greater numbers of people participating in both the face-to-face processes and the online consultations and an expansion in the number of activities in which it is possible to contribute to the construction of the plan.³⁷ Another aspect praised was the combination of face-to-face and virtual activities, which also presented good synergy between them.³⁸ An example of this is that challenges for each theme were collected by the public consultations and subsequently used in the workshops to feed the discussions.

It is also worth mentioning that, in this edition, the commitments have a more sectorial character than in the past plan, thus meeting one of the recommendations made by the previous evaluation report.³⁹ One of the themes refers to an end-area (Education), i.e. the provision of a service that directly affects people's lives and was one of the themes chosen in the online consultation. The other online consultation theme, Corruption, despite being a governance theme, also addresses one of the population's major concerns.⁴⁰

After the definition of the themes, 10 territorial workshops were held to reach more people in different regions of the city. In total, 155 people participated in these events.⁴¹ Two workshops were held for each challenge in order to build two commitment proposals per challenge, to be submitted to the final vote later. Finally, the 20 commitment proposals were submitted to online public consultation for the election of the 5 commitments that compose the plan. A total of 2,279 valid votes were cast for this consultation⁴². In comparison to the previous action plan, this represented a significant increase in participation: in 2016, there were 3 workshops held, with 73 participants in total, and there were 712 votes cast in the public voting⁴³.

An important point in the process mentioned by both civil society and government representatives was the carrying out of technical and legal analyses to assess the feasibility of the commitments after the public consultation had occurred. According to a civil servant who participated in the process, the participatory dynamic that resulted in the definition of the commitment proposals was extremely fast, not allowing for the formal refinement of the text in order to have a feasible and legally adequate proposal. This suggests there should be an intermediate stage between the first version of the commitment proposal and the final draft, allowing for a feasibility assessment to be made.⁴⁴

³⁶ Interview with Danielle Bello, 26 March 2019.

³⁷ In the past co-creation process, the FGC held three territorial workshops.

³⁸ Interview with Carolina Sciarotta, Public policy analyst at Municipal Education Secretariat, 20 March 2019.

³⁹ See 2017 IRM São Paulo final report: https://www.opengovpartnership.org/wp-content/uploads/2019/01/Sao-Paulo_Final-Report_2017.pdf

⁴⁰ See survey made by Rede Nossa São Paulo and IBOPE:

https://www.nossasaopaulo.org.br/pesquisas/viver_em_sp_jan_2018.pdf

⁴¹ See 2nd Open Government Action Plan (2018-2019): https://www.opengovpartnership.org/wp-content/uploads/2018/09/Sao-Paulo_Subnational_Action-Plan20161201_ENG.pdf

⁴² Ibidem.

⁴³ See 1st Open Government Action Plan (2016-2017): https://www.opengovpartnership.org/wp-content/uploads/2018/09/Sao-Paulo_Subnational_Action-Plan20161201_ENG.pdf

⁴⁴ Interview with Carolina Sciarotta, 20 March 2019.

In the present co-creation process, the commitments were submitted to this analysis after the adoption of the texts, at a stage that had not been previously planned, which caused criticism by civil society.⁴⁵ The statements made by representatives of technical and legal areas of the Secretariats involved in each commitment are public documents that can be consulted in the Electronic Information System of the Municipality.⁴⁶ Some of the commitments had part of their texts modified, but meetings were held with CSO members of FGC to explain the text changes and resolve doubts from its members. In the case of the Education commitment, there was a complete replacement of the proposal because it was considered unfeasible. To resolve the issue, the other proposals that had not been chosen in the consultation were adopted to compose the commitment and the milestones, with the approval of the FGC members.

The positive side of this stage, however, is that it confers more legitimacy upon the administration.⁴⁷ Additionally, although the analysis made did not include political feasibility, it is worth mentioning that requesting legal and technical statements to the Secretariats is a process that runs through each agency's chief of staff. Moreover, as mentioned above, the execution of the commitments was included with the City Mayor's Goals, which improves political relevance to the action plan.

When this report was being developed in April 2019,⁴⁸ the action plan was not yet published on the Municipality's website. On the Municipality's website, it was possible to determine which commitment proposals had been made in the workshops and to read the discussions held after the opinions of the technical and legal areas of the Secretariats has been given, but the final version of the commitment wording was not found. Several other documents, such as minutes of the FGC meeting, records of the workshops, results of the main votes, were available.

Up until that moment, the general assessment of the actors involved was that there was room to improve the quality of the commitments. Respondents from both government and civil society organisations⁴⁹ argued that more training on project methodologies (e.g. SMART) prior to the participatory process might have been helpful for civil society representatives for the wording to be more objective, less lengthy, and subject to change by legal and technical experts from the administration. Nonetheless, it is very clear the second action plan has had some advances both in terms of the quantity and quality of participation. Moreover, it has been incorporated into the city planning (Goals Programme), granting greater institutional depth to the commitments. And finally, the policy areas given priority during the development process more accurately reflect the stakeholders' interests and values than was the case in the previous plan.

Commitment revision

As the writing of this evaluation report was being drafted, City Hall decided to make a new round of adjustments and changes to the texts of commitments 1 and 2. The changes were made only by government actors and were presented to the Forum at meetings held on June 19 and July 3.

Within the scope of the Forum, there was no consensus on the changes, and City Hall decided to hold a vote. The result was a decision in favour of amending the texts. The civil society representatives voted unanimously against the presented proposal, and the government representatives, in a majority, voted in favour.

⁴⁵ Interview with Renata Galf, transparency analyst, 19 March 2019.

⁴⁶ To find the statements, one should look for the process number 6073.2018/0000357-3 at the City Hall System of Electronic Information (SEI):

https://sip.prefeitura.sp.gov.br/sip/login.php?sigla_orgao_sistema=PMSP&sigla_sistema=SEI&infra_url=L3NlaS8=

⁴⁷ Interview with Ana Dienstmann, 26 March 2019.

⁴⁸ The report was concluded on 19 April 2019.

⁴⁹ Interview with Ana Dienstmann, 26 March 2019 and interview with Manuel Galdino, executive-director of Transparência Brasil, 19 March 2019.

The first problem of this process was pointed out by one of the representatives of civil society: there was not (and still is not) a formal procedure to support the decision to put the questions to a vote, weakening the legitimacy of the process.⁵⁰ Another representative drew attention to the fact that civil society was at a disadvantage numerically in relation to the number of government representatives.⁵¹

The civil society representatives interviewed after this change evaluated the changes negatively and pointed to a loss in quality of the commitments with the changes made. The Municipality justified the changes made as necessary for the feasibility of the commitments. However, members of the Forum questioned these arguments, as analysed below.

Commitment 1 underwent radical changes in its main text and in milestones 3 and 5. Instead of a commitment that addressed the implementation of the participatory budget through participatory councils, it became a commitment that seeks to provide transparency in the components of the municipal budget: the Multiyear Plan, the Budget Guidelines Law, and the Annual Budget Law. In practice, the commitment offers few opportunities to advance in terms of policy innovation.

Commitment 2, which addresses decentralization through the preparation of Subprefecture Action Plans provided for in the Strategic Master Plan, was amended to remove the part of the commitment that provided for the preparation of neighbourhood plans. This exclusion was justified by City Hall because there was no formal definition, no geographical delimitation of neighbourhoods in the city, and no resources or time to carry out this process of definition within the action plan's implementation period.

On the other hand, a civil society representative recalled that one action had already been carried out by the Tide Setúbal Foundation⁵² in Jardim Lapenna and that, therefore, there is already a methodology ready to be used to carry out this type of participatory planning. Members of civil society pointed out that the Municipality could have adopted this case as an example and supported its replication in other neighbourhoods.

Furthermore, it was noted that the commitment thus would lose some of the impact and innovative and transforming potential, as a neighbourhood plan would reach a scale closer to the citizen, in comparison to the Subprefecture Action Plan.⁵³

Co-creation and participation recommendations throughout development

São Paulo showed evidence of achievement and strong performance in areas of FGC composition and outreach during development. For example, the composition of the Forum follows gender and civil-society/government balance, and it included some high-level government representatives at the time of action plan elaboration. Although there is still room for improvement, participation was a very positive aspect in both qualitative and quantitative terms, and there was significant improvement in relation to the previous action plan process.

Some areas in which São Paulo can improve include:

- FGC way of working
- FGC governance

⁵⁰ Interview with Handemba Mutana, 21 November 2019.

⁵¹ Interview with Maria Angélica Oliveira, 8 November 2019.

⁵² The methodology of this process was developed in association with Fundação Getúlio Vargas and was published in [Plano de Bairro Lapenna : o bairro que temos e o bairro que queremos](#).

⁵³ Interview with Handemba Mutana, 21 November 2019.

To improve performance in these areas, the IRM researcher suggests that, moving forward, the following actions be taken:

- Make sure to establish clear rules to ease the decision-making process: the bylaws of the FGC should be drafted and published.
- Improve and diversify the themes selection by undertaking the general consultation before the onsite activities. This can allow the workshop participants to better take into account the population priorities when establishing the priority themes.
- Make sure that the legal and technical analysis of the commitments is planned in advance and that the FGC is involved fully in the process.

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 programmes.

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.⁵⁴ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.⁵⁵ 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 affect performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

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

- I. **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.').

⁵⁴ "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

⁵⁵ "IRM Procedures Manual," OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

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 behaviour 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 *Implementation IRM report*.

General Overview of the Commitments

The action plan was organised around 5 areas: 1) Budget; 2) Decentralization and Local Development; 3) Information Systems Integration; 4) Education; and 5) Fight against Corruption. Two important features are to be highlighted: several of the commitments are related to improvement of transparency around regionalized budget information and social demands around the improvement of civic participation.

Commitments Overview

I. Budget⁵⁶:

Commitment text:

Provide instruments of transparency on fiscal management, promoting wide publicity for them, including electronic means open to the public: the plans, budgets and “Leis de Diretrizes Orçamentárias” (LDO); the budget legal reporting (accountability reporting) and its respective legal and technical opinion and the fiscal management reports.

Milestones

- I.1 Establish an intersecretariat working group with representatives of civil society from FGC, to improve the mechanisms for municipal budget social control.
- I.2 Carry out and publicize a survey of projects and initiatives on budgeting participation that exist at City Hall.
- I.3 Carry out actions to facilitate the performance of municipal counselors, including the provision of training through partnerships with public and private agencies, on subjects related to management and public policies, budget planning, social participation, and access to data.
- I.4 Expand and improve communication channels and tools with the population regarding planning, execution, and budget control, adopting clear and simple language.
- I.5 Ensure the implementation of a participatory mechanism of budget planning and of social control of the city of São Paulo's budget execution through public hearings.

Start Date: January 2019

End Date: August 2020

Editorial note: to see the complete text, visit

https://www.opengovpartnership.org/wp-content/uploads/2019/01/Sao-Paulo_Action-Plan_2018-2020_EN.pdf

⁵⁶ The original text version of this commitment was: Institutionalize the participatory budget through the Municipal Participatory Council and civil society, in the 32 Subprefectures, creating rules and procedures to be followed by subprefects, including: newsletter (printed and online) and website, in friendly/easy-to-understand language, about implemented and proposed expenses by sector and project; creation of a public register of organizations and citizens for dissemination of information; broad and prior dissemination of participatory budget actions and discussions. The original milestone 3 was written as follows: Carry out actions to qualify the performance of municipal participatory counsellors , including the provision of training through partnerships with public and private agencies, on subjects related to management and public policies, budget planning, social participation and access to data. The original milestone 5 was written as follows: Ensure the implementation of a participatory mechanism of budget planning and of social control of the budget execution of the city of São Paulo through the Municipal Participatory Councils.

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		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Overall objective and relevance

Participation in the budget is currently regulated by Decree 57,802 of 2017, which provides for public hearings in each of the 32 subprefectures for the preparation of the Multi-year Plan (2018–2021) and the Annual Budget Law. Public hearings are also required by the Fiscal Responsibility Law.

Despite the existence of this mechanism for the participation in the preparation of the budget, there is pressure from civil society for greater integration of civil society in the processes. One of the criticisms made by CSO on the subject is that the process of decentralization of the city is insufficient,⁵⁷ as there is no clear budget and allocation for the sub prefectures in terms of crucial local policies such as education, health, and culture. Past regional participatory processes were done but poorly integrated in the policy-making process.⁵⁸

This commitment seeks to promote transparency regarding the planning and budget instruments of the city, by undertaking capacity-building activities on the one side (milestone 3) and support for the participatory process of the budget execution on the other (milestone 5). It also plans to undertake actions related to communication (milestones 2 and 4) and the creation of a public oversight forum with civil society participation (milestone 1).⁵⁹ It aims to make such instruments more transparent, promoting publicity and communication and enhancing civil society training to facilitate the understanding of the budget. Improving existing mechanisms of participation on planning and public oversight of the budget execution are also part of the objective

The new aspect brought forth by the commitment is the establishment of an Inter-secretarial working group (milestone 1), with representatives of civil society, to identify the possibilities of improving public oversight mechanisms and budget participation. Milestone 2 refers to the execution of an internal gathering of projects and initiatives on budgeting participation already in existence at City Hall. As for milestone 3, it seeks to address the capacity gap from the councillors regarding management and public policies, budget planning, social participation, and access to data.

With the change in the commitment (explained in the previous section), Commitment I has been restricted to a few transparency and oversight actions, which are already provided by law. The Fiscal

⁵⁷ Attempts to decentralize were made since mayor Luiza Erundina administration (1989-1992)

⁵⁸ Interview with Letticia Rey, 19 March 2019.

⁵⁹ Executive Decree 56.208/2015: <http://documentacao.camara.sp.gov.br/iah/fulltext/decretos/D56208.pdf>

Responsibility Law,⁶⁰ a major federal regulation with which states and municipalities must comply, already provides that fiscal management procedures be transparent and published in official communication channels, including websites. In accordance with this regulation, data and information on the budget plans are already available on São Paulo's Transparency Portal.⁶¹

In short, one of the demands of civil society is to increase participation mechanisms, with more decentralized spaces, and to provide decentralized information about the budget allocation. The way the commitment is currently written does not address either of those demands.

Verifiability and potential impact

The IRM researcher believes that the commitment is specific enough to be verifiable but would require it to be more specific to be carried out and assessed adequately.

Milestone 1 refers to the establishment of an Inter-secretarial working group with civil society representatives who are members of the FGC to improve the mechanisms for society's control of the municipal budget. This working group's composition, functioning, and prerogatives are unclear. Milestone 2 refers to conducting and disseminating a survey of existing projects and initiatives for budget participation in the city. The activity is verifiable, but it does not contribute in a major way to accomplishing the overall goal of the commitment.

Milestone 3 establishes the objective of improving the quality of the performance of municipal participatory councillors, encouraging training activities for this audience on issues that help in understanding the budget, social participation, and access to data. It is not clear which capacity gap the commitment aims to address or the scope of the training (how many councillors, from which policy areas).

Milestone 4 refers to expanding and improving communication channels and tools with the population regarding planning, execution, and budgetary control. In this specific framework, it is not clear which channels and communication tools should be improved and expanded. The text of the commitment makes reference to a newsletter and website that should contain information on expenditures executed and proposed by sector and by project. The details are yet to be defined in future implementation meetings,⁶² so it will only be clear whether it will entail the creation of a new tool at a later stage.

Finally, milestone 5 refers to the adoption of a budget participation mechanism that works through public hearings. There are already legal frameworks that provide for these types of participatory processes. It is not clear what the new procedures are that this milestone will add to the already existing participatory processes.

The IRM researcher posits that this commitment does not add significant advancements for civic participation, particularly considering the demands from civil society explained above. The commitment provides for the implementation of mechanisms of participation related to the budget cycle of the municipality that already exist and are required by law (for instance, the realization of public hearings), or it provides the processes that are ongoing and expected of the administration (improve communication channels). While expanding and enhancing channels and communication tools for planning execution and budget control (milestone 4) are relevant to access to information,

⁶⁰ The main laws that establish the budget access of information encompassing the three branches of power and in all administrative levels are the "Fiscal Responsibility Law" (Complementary Act n° 101/2000) and the Complementary Act n° 131/2009. For the transparency provision see article 48, 48-A and 49 See Access to Information Manual for States and municipalities: https://www.gov.br/cgu/pt-br/centrais-de-conteudo/publicacoes/transparencia-publica/brasil-transparente/arquivos/manual_lai_estadosmunicipios.pdf/view .

⁶¹ See the Transparency Portal of São Paulo City Hall: <http://transparencia.prefeitura.sp.gov.br/contas/Paginas/default.aspx>

⁶² Gabriela Boechat and Henrique Goes, civil servants at *Supervisão para Assuntos de Governo Aberto* (SAGA), 25 March 2019.

the wording is made in a very general and vague way, suggesting only minor improvements will stem from this milestone. The only new aspect, the creation of a working group, is not sufficiently specific to suggest that there will be any impact on city governance.

If implemented as written, the commitment and proposed actions are likely to have a minor impact on the city open government policies. As they provide policies that are already in place, they do not mean significant step towards the city's population being able to effectively influence the policies carried out in each territory nor improve transparency as to how the budget is executed.

Next steps

In order for the commitment to have a greater effect, the IRM researcher suggests the following guidelines:

- Bring more ambitious and innovative elements to the milestones related to improvement of communication channels;
- Define composition, functioning and prerogative of the working group provided in milestone 1;
- To be bold and ambitious on capacity-building objective in milestone 3, with a broad reach councillors and very specific goals in terms of gaps to be addressed;
- Incorporate the need to provide decentralized information to empower civil society and citizens alike.

2. Decentralization and local development:⁶³

Commitment text:

Elaborate the Action Plans of the Subprefectures, listening to the territorial demands, the municipal councils, agents, and users of public facilities and other local participatory instances and guaranteeing the publicity and accessibility of the public budget.

Milestones:

- 2.1 Develop the Regional Action Plans, resulting from “Plano Diretor Estratégico”, as provided for in Law no. 16,050/2014 and decrees regulating it.
- 2.2 Ensure the implementation of the Action Plans that were created.
- 2.3 Ensure the wide dissemination, in clear and simple language, of the aforementioned plans.
- 2.4 Elaborate and publish a guide for the development of neighborhood plans.

Start Date: January 2019

End Date: August 2020

Editorial note: to see the complete text, visit

https://www.opengovpartnership.org/wp-content/uploads/2019/01/Sao-Paulo_Action-Plan_2018-2020_EN.pdf

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.				

⁶³ The commitment text before the last round of changes in the action plan made by government actors was as follows: In public spending, prioritize action plans developed through social participation, discussing and deliberating collectively on local demands, respecting municipal participatory councils, agents and users of public facilities and other local participatory bodies, and also ensuring availability and accessibility of the public budget by region and agency and facility. Milestone 1 was previously: Develop the Regional Action Plans and Neighbourhood Plans, resulting from “Plano Diretor Estratégico”, as provided for in Law no. 16,050/2014 and decrees regulating it. First milestone 3 version was: Ensure the implementation of the Regional Action Plans and Neighbourhood Plans developed. Milestone 4 was a new addition to the commitment made during the working group meeting, in July 2nd, 2019..

Context and Objectives

Overall objective and relevance

This commitment aims to improve access to information and civic participation at the Regional Prefecture (*Subprefeituras*) and neighbourhood levels. It directly addresses a non-binding policy provided in the city's Strategic Master Plan,⁶⁴ which is the city's main planning instrument to usher in urban development. This plan determines guiding principles and strategies and measures policy areas such as housing, mobility, economic development, and environment for a period of 10 years. This instrument is provided by the National Urban Policy, known in Brazil as *Estatuto da Cidade* (City Statute, Federal Law 10.257/2001). The Master Plan is a mandatory municipal law for every city with more than 20,000 inhabitants, and a new Master Plan must be passed every 10 years (CNM, 2013).⁶⁵ In São Paulo, the reform process started in 2013 by City Hall, and according to the Master Plan Illustrated Law Text,⁶⁶ it involved a participatory process, which comprised 114 meetings, virtual surveys, 25,000 participants, and 10,000 contributions from civil society and the general public.

Stakeholders from civil society stated during the open government action plan elaboration process that decree number 57.537/2016,⁶⁷ which regulates the Master Plan, had not been implemented over the expected time.⁶⁸ The decree mandates the elaboration and implementation of the Regional Action Plans and provides the possibility of developing Neighbourhood Plans, which are both policies contained in the city Master Plan. According to this legal framework, the aforementioned plans are instruments that allow for taking into account the specificity and needs of a smaller scale within the city boundaries: districts and neighbourhoods. These Action Plans aim at detailing the propositions and guidelines contained in each Subprefecture Action Plan, and the law determines that those policies must be built in a participatory manner, including the Participatory Municipal Councils in the process and providing at least an introductory presentation of the objectives and purpose, a participatory workshop, and feedback session during a public hearing.

The main idea of the commitment is, thus, to promote the elaboration and implementation of the missing local plans. The commitment text also entails that for the participatory process to be effective, the population will need decentralized budget information to be able to decide which policies to give priority to.

To change the status quo, the commitment works as an opportunity to resolve a pending obligation regarding the main city planning instrument. In parallel, according to the Decree 57.537/2016, the local plans elaboration ought to be done in a participatory manner, contributing directly to civic participation. The commitment is also relevant to Access to Information due to improving the transparency of local budgets and publishing budget information at a more granular level (by facility).

Verifiability and potential impact

The IRM researcher believes the objective of the commitment is not clearly enough stated. The commitment is the implementation of a concrete policy (regional action plans), required by law. Some of the planned activities could be more specific. For instance, milestone 1 refers to developing the plans but does not say how this is going to be done, how many participatory meetings will be held and who is going to participate. Milestone 2 makes reference to securing the implementation of the plans, but

⁶⁴ The Strategic Master Plan was passed as a Municipal Law n° 16.050 in 2014: https://gestaourbana.prefeitura.sp.gov.br/arquivos/PDE-Suplemento-DOC/PDE_SUPLEMENTO-DOC.pdf

⁶⁵ CNM (2013). O Plano Diretor como instrumento de Desenvolvimento Urbano Municipal: orientações para o processo de elaboração e revisão do Plano Diretor. – Brasília: CNM, 2013.

⁶⁶ The Illustrated Master Plan Text Law is available at: <https://pt.slideshare.net/Paralaxe/plano-diretorestratgicolein16050de31dejulhode2014estratgiasilustradas>

⁶⁷ The decree that details the Master Plan is available at <http://legislacao.prefeitura.sp.gov.br/leis/decreto-57537-de-16-de-dezembro-de-2016/detalhe>

⁶⁸ See São Paulo Action Plan (2018-2020), p.34, https://www.opengovpartnership.org/sites/default/files/Sao-Paulo_Action-Plan_2018-2020.pdf

it also does not specify the necessary steps to guarantee the implementation. Milestone 3 refers to the need to secure broad dissemination of the elaborated plans, but it does not mention how it will be done or what kind of media will be used. Milestone 4 refers to developing and publishing a guide to developing neighbourhood plans. This last milestone lacks details about how this guide will be developed, by whom, and what the consequence will be (what will be done with the guide) in the future. None of the four milestones refer to how local budget transparency will be advanced.

The regional planning process has the potential to contribute positively to citizen participation and policy implementation at the “sub-local” level, where every citizen can have an effective contribution to bring and at the same time can see the immediate impact of the urban intervention debated during the action plan's formulation. However, according to civil society representatives, the regional scale is not the most adequate or sufficient to ensure that citizens are heard and can effectively contribute and be part of the decision-making process.⁶⁹ The Subprefecture Action Plan scale is at the subprefectural level. Each of this sub-local units can have more than 500,000 inhabitants (such as Capela do Socorro, Campo Limpo and M’Boi Mirim). They argue that the creation of neighbourhood plans would be the best scale to work with communities and should complement the Subprefecture Action Plan. At that scale, the population potentially involved is narrowed down to some 20,000 people or less.

Another challenge is the lack of specificity about the transparency actions provided by the commitment text. First, it reduces the participation to the “listening to the territorial demands” whereas in the previous version of this commitment, the wording was more detailed about what this participatory process would entail (“discussing and deliberating collectively on local demands, respecting municipal participatory councils, agents and users of public facilities and other local participatory bodies”). Second, and more importantly, there is only a generic reference to publicity and accessibility to budget information (which is already provided by law), and there is no mention about the access and availability of sub-local budget data. This has been a historical demand from civil society organisations in order to tackle the deep territorial inequalities through the improvement of transparency mechanisms to advocate for more public facilities and budget allocation to poor districts.⁷⁰

This commitment, as it is written, lacks specificity and transformative actions. On the one hand, the participatory processes are not sufficiently detailed, nor is the process of development of the regional plans, and on the other hand, many actions provided, such as giving publicity and accessibility, are already part of the usual policy process and do not represent any significant advance. All in all, only considering the wording of the commitment and milestones as they are, if fully implemented, its potential impact is minor.

Next steps

The IRM researcher believes that, as the milestones bring only minor contributions, the commitment could be improved in order to be carried out and made a priority in the next action plan, as the policy area targeted could have a potentially transformative effect. To further this process, the IRM researcher recommends the adoption of the following advice:

- This commitment could be accompanied with the necessary actions to attain the objective of elaborating and securing the implementation of the regional action plans. For instance, the FGC could decide how many participatory sessions need to be done, the methodology to be used in this process, and what role is expected from each stakeholder. Most importantly, a critical milestone would refer to securing the budget to implement the regional action plans. This could be secured by including it in the Annual Budget Law,⁷¹ approved every year.

⁶⁹ Interview with Mutana Handemba, 21 November 2019 and Marcus Bonfim, 12 November 2019.

⁷⁰ Interview with Maria Angélica Oliveira, 8 November 2019.

⁷¹ Every year the government has to pass a bill containing all priorities, goals and respective budget allocation

- Particularly in terms of the participatory process, the IRM researcher recommends the Forum to be specific about the level of the participation needed to develop the local plans. The Forum could use the scale developed by the International Association for Public Participation⁷² for guidance.
- The FGC could support civil society organisations and the population to organise themselves and make action plans on a small scale (neighbourhood) through participatory processes that organise the demands to the city hall and stimulate the engagement of the population in its territories to take part in the actions as well. Government could take advantage of the fact that there is already a successful existing pilot experience implemented by CSO and a university and study possibilities to replicate this plan in other neighbourhoods.⁷³

In terms of milestone 4, ensure that the neighbourhood plan guide is followed up and is effectively incorporated in the future in a neighbourhood plan implementation.

⁷² The participation scale is available at:
https://www2.fgcu.edu/Provost/files/IAP_Public_Participation_Spectrum.pdf

⁷³ A local neighbourhood plan was developed at Jardim Lapenna:
<https://fundacaotidesetubal.org.br/noticias/3772/moradores-do-jardim-lapenna-criam-plano-de-bairro>

3. Information Systems, Participatory Communication and Transparency

Commitment text:

Develop the integration of the Official Gazette, the Transparency Portal and the Budget and Finance System (SOF), with user-friendly language and interfaces, aiming at accessibility through digital and physical communication (website, clipping, messages, posts), through the “INFOAberta” Network focal points and organized civil society agents to disseminate these systems and train civil society and civil servants to use them.

Milestones

- 3.1 Improve the Transparency Portal, ensuring better usability.
- 3.2 Develop informative actions and materials for citizens regarding the use of the three portals and systems mentioned.
- 3.3 Training for “INFOAberta” Network in relation to the use of the three portals and systems mentioned.
- 3.4 Develop a feasibility study for the implementation of a platform for communication and social participation.
- 3.5 Encourage, through “Agentes de Governo Aberto” Program (“Open Government Agents”) public notice, the submission of projects related to access to information and use of the portals and systems mentioned

Start Date: January 2019

End Date: August 2020

Editorial note: to see the complete text, visit

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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

Overall objective and relevance

This commitment seeks to improve transparency tools and access to public information. The diagnostic is that there are several online portals run by the local administration, but they are not integrated or user-friendly. The commitment comprises three channels of access to public information: the 1) Official Journal of the City, 2) the “Transparency Portal,” and the Financial Budget System.

The Official Journal of The City is the document that comprises all the public acts: bills, decrees, hiring and firing of public servants, and so forth. The journal has had an open format version since the end of 2014, with official records from 2003 onwards. This was a project done in partnership between the Office of the Municipal Comptroller and with Colab, a research centre from the University of São Paulo, which was discontinued in 2016. Two years later, the city administration decided to stop the printing of a hard copy of the document and only have it available online – without, however, making any changes to the design of the publication.

The Transparency Portal is a public information channel online provided by the Municipal Decree n° 53.623, from 2012. In the last days of Mayor Kassab's administration, the mayor published the decree that enforced the information access bill at the local level and provided that the city should have the Transparency Portal, which must contain transfers of financial resources and detailed budgetary and financial execution. In 2014, Mayor Haddad issued a decree (n° 54.779 from 2014) providing that the portal also include bids carried out and in progress, with public notices, annexes and results; along with contracts signed by the administration, in full; and the signed agreements in their entirety, with their respective process numbers.

The portal was revamped in 2016 to become more user-friendly and intuitive, maintaining the proposal to strengthen social control and allow greater access to and use of this tool. Making use of the free use of external services such as the Infogram and using icons from public databases as references, the portal became a hub for other municipal government websites and presented graphics related to the work of the Office of the Municipal Comptroller.

Finally, the Financial Budget System (SOF) is the platform in which the city registers information about its planning and budgetary authorization, hiring, budgetary and financial execution, and accounting. More recently, in December 2016, City Hall organized a “Hacker Café” workshop and worked to make the SOF data available through an API (Application Programming Interface). This tool allows greater manageability of the return of the budget execution data to improve the mechanisms to meet the legal requirements of transparency and the demands of society. The API user normally produces applications and has good knowledge in programming, so civil society entities specialized in public accounts, public agencies and universities, among others, can make use of the interface to develop other tools to access and disseminate public information.

One of the key milestones of the commitment is to provide training through the existent Open Government Agents (Agentes de Governo Aberto) programme, which has been in existence since 2015 and consists of the training of civil society representatives, social movement members, and citizens in general about open government policies and tools (training on transparency, innovation, participation and integrity). The training courses are theoretical and practical and are given by the Open Government Agents, i.e. individuals whose accredited projects were selected, through the program's Accreditation Notice, receiving a scholarship as financial support. The program has already trained approximately 23,000 citizens, and it was awarded at the Social Innovation Forum in the Public Sector and recognized as a replicable government practice by the Organization for Economic Cooperation and Development (OECD) and the International Observatory of Participatory Democracy (IOPD).

The second milestone provides the development of materials and dissemination on the use of the portals and systems mentioned. The milestone text does not however specify what kind of materials or how dissemination would be implemented. A civil servant explained that this would be specified during the implementation phase.⁷⁴

The third milestone aims to strengthen the InfoAberta network⁷⁵ by providing training to civil servants to support the promotion of open government practices and values. The other milestones relate to activities thought to support the assimilation, by the public, of the integrated web portal to access public information, basically involving training materials and outreach.

This is an access-to-information promotion commitment. However, it does not provide the disclosure of more information but rather focuses on improving the form and quality of the information disclosed to the public. The activities outlined about the milestones tackle both ends of the information flow: the supply (milestone 1) – which is the core of this commitment – with the portal merger, on the one side, and the demand (milestone 2, 3, 4 and 5), with training and creating communications and outreach channels, to support the usage of the new platform by key stakeholders from civil society, on the other side. The commitment is also relevant for technology and innovation since the improvement of access-to-information is based on changes in the IT systems.

Verifiability and potential impact

The way this commitment was drafted is specific enough to be verifiable. It is clear that the Official Journal, the Transparency Portal, and the Financial and Budgetary System, currently based in three different platforms, are to be integrated into one. However, the actual shape this merger would take is not clearly defined. Moreover, the commitment does not explicitly state which stage the technical difficulties and coordination with the public IT company (Prodam) that manages databases will be tackled in.⁷⁶

The commitment has a technology and innovation component, although it is not clearly stated how the innovation will take place, since the type of integration is not defined. Additionally, a civil servant pointed out that all three portals are in fact maintained by different Secretariats and have completely different systems, which increases the challenge of integrating them.⁷⁷ It does, however, contain aspects that can improve public capability development to improve access to information and participation (training, communications and outreach). Despite the relevance of these activities, one CSO representative pointed out that such changes in portals of access to information often entail risks of not taking a user-centered approach. She pointed out as an example the Transparency Portal of the federal government, which, after the restructuring, represented an improvement for some users, but it has rendered more difficult for others to navigate. This risk, she argues, is also present in the case of this City Hall initiative to design the improvements to the integrated portal and can make it difficult to ensure user appropriation of the new system.⁷⁸

⁷⁵ The Info Aberta Network is composed by civil servants in different Secretariats and its aim is to improve access to information and other open government policies:

https://www.prefeitura.sp.gov.br/cidade/secretarias/controladoria_geral/coordenadoria_de_promocao_da_integridade/?p=225252

⁷⁶ The Communications Secretariat summarized the main problems related to the IT company as follows: Among the contemporary challenges of the public authorities are the various difficulties faced in the area of technology related to the lack of qualified human resources, the mismatch generated by the rapid evolution of the private market for technology and its remuneration, the lack of adequate structure and systematization of governance.”:

<http://www.capital.sp.gov.br/noticia/cidade-avanca-na-carreira-publica-de-tecnologia>

⁷⁷ Interview with Anna Dienstmann, 26 March 2019.

⁷⁸ Interview with Renata Galf, 19 March 2019.

A civil servant mentioned ⁷⁹ that the feasibility study would be related to the case of the Consul platform. Consul is a free, open source software portal that allows citizen participation features such as consultations, collaborative legislation, voting, and participatory budgeting. Indeed, this kind of portal would bring innovation, as City Hall does not currently have such platform to roll out online social participation. However, this was not written in the commitment or the milestones, and despite the feasibility study being a first step towards the adoption of such a platform, it does not ensure the portal implementation.

Considering the limitations explained above, overall, this objective can potentially have a minor impact on the São Paulo City governance framework.

Next steps

The first recommendation here would be to state clearly in milestone I the need to coordinate with the IT public enterprise that manages the database. Many attempts to implement innovation, or even minor changes are hindered, for not taking this key stakeholder into consideration.

In addition, this commitment could potentially benefit from the incorporation of a more participatory approach to the development of the new portal. There is vast knowledge – sometimes freely available – in society. The public authority could make use of this capability by integrating the public in the process – not only programming experts, but also designers, heavy users and citizens in general, to both solve potential problems and to find issues and solutions that the developers would not be able to find without public participation and engagement.

The IRM researcher understands that this commitment, although technically difficult, does not require follow-up or further developments. Therefore, it does not need to be made a priority in future action plans but rather should be integrated into ongoing programmes (such as Open Government Agents) and processes – in particular to maintain, manage and enliven the communications platform.

⁷⁹ Interview with Ana Dienstmann, 26 March 2019.

4. Education

Commitment text:

Increase transparency, technology and innovation so that the educational community (educators, managers, students, families and civil society) can monitor the implementation of the resources of the Educational Units (UEs) and participate in decisions on the allocation of investments.

Milestones

- 4.1 Develop a digital tool that allows regionalized tracking of Regional Departments of Education (DREs) and Educational Units (UEs) resources/expenditures and public transfers in accessible language.
- 4.2 Promote open meetings and training with civil society on the mechanisms for following and social control⁸⁰ of Education budget resources.
- 4.3 Promote, with the students of São Paulo Municipal Education System, projects based on the principles of open government aimed at their Educational Units, involving also school communities and surrounding communities.
- 4.4 Hold events to present the open government projects developed by the students and promote the share of experiences between them.

Start Date: January 2019

End Date: August 2020

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4. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

⁸⁰ The term “social control” is used in Brazil as a synonym for public oversight.

Context and Objectives

Overall objective and relevance

This commitment seeks to improve the transparency of decentralized budget information in the area of education. The format in which budget information is published today, full of codes and technical terms, is difficult for the general public to understand and is only accessible to an expert audience on the subject.⁸¹ In addition, it is currently not possible to locate territorially 75% of the public expenditures made by the Secretariats responsible for policies that have a direct impact on the life of the population.⁸² In the case of the Municipal Secretariat of Education, this percentage is 78.4%.⁸³ This happens despite the fact that there are precise determinations in the Organic Law of the Municipality⁸⁴ for that disclosure to occur.

This issue of improving transparency in relation to the territorialized budget is a long-standing social demand of social movements in various areas.⁸⁵ Decentralized information is considered fundamental to qualifying the processes of participation, as it is the only way to effectively know how the different regions of the city are being targeted for investments and to more accurately detect concentrations and deficiencies of investments in the territory. This aspect becomes even more important when one considers that São Paulo is a city with deep socio-territorial inequalities. In addition, territorialized information on the budget is also necessary for monitoring the execution of resources.

To respond to this challenge, the commitment seeks to promote transparency through the development of a digital tool that allows the visualization of budget data related to the territory, based on the decentralized structures of the area of education, such as the Education Regional Boards⁸⁶ and the Educational Units. At the same time, the commitment also reinforces the public oversight capacity of society by including training activities so that civil society can better understand the budget and monitor the investment of resources in each territory. In this way, the proposed actions form a more consistent commitment, as they combine the dissemination of information with formative activities in which society can make sense of the proposed tool, thus making the transparency initiative more effective.

The commitment is, therefore, directly relevant to the access to information, as it will allow the visualization of data in a more friendly way than in the current system and allow the monitoring of the execution of resources in a decentralized way. It is also relevant to civic participation, as it engages with civil society by organizing meetings and training on the mechanisms of monitoring and control of budgetary resources of Education.

⁸¹ Interview with Carolina Sciarotta, 26 March 2019.

⁸² Wissenbach, Thomás. *Gasto Público no Território e o Território do Gasto na Política Pública*. São Paulo: Fundação Tide Setúbal, 2018 <https://fundacaotidesetubal.org.br/downloads/download/2717/gasto-publico-no-territorio-e-o-territorio-do-gasto-na-politica-publica>.

⁸³ Ibid.

⁸⁴ The most important legal framework from the city establishes the main norms and it is the local equivalent of a Constitution.

⁸⁵ Rede Nossa São Paulo (2018). *Entidades discutem estratégias de atuação e incidência para o orçamento 2019*. Available at: <https://www.nossasaopaulo.org.br/2018/03/26/entidades-discutem-estrategias-de-atuacao-e-incidencia-no-orcamento-2019/>.

⁸⁶ In the city of São Paulo, there is a total of 13 of such agencies that are responsible for the education units of a certain territory.

Verifiability and potential impact

The researcher believes that the objective of the commitment is sufficiently specific to be verifiable, but some milestones could be better detailed. Measurable framework 1 refers to the development of a digital tool that allows for the location of budget information in the territory in accessible language. Measurable framework 2 refers to promoting training activities so that civil society can make better use of the tool and monitor the execution of resources invested in education more effectively. In this case, it would be necessary to detail how many activities will be carried out. Additionally, it would be recommended to detail the training contents. To be more transformative, it would be advisable not only to inform the public about how to use the new tool but also to promote activities that allow the public to suggest features or assist in the collection of data so their role is not limited to end-users of the product.

Measurable milestones 3 and 4 refer to promoting students' projects based on the principles of open government, involving school and surrounding communities. In this case, although the proposed activity is clear, it would also be necessary to define how many projects and events will be carried out and how they can connect and help with the improvement of transparency proposed within the adoption of the new digital tool for monitoring the execution of resources.

If implemented as described in the action plan, the proposed commitment and activities can have a moderate impact on the quality of information available to society. The digital budget transparency tool accompanied by training activities can be a significant step towards transparency, as it will allow for the visualization of the decentralized budget in the city, which, as already mentioned, is an old social demand, and for the accessibility of information for a non-expert public.

Next steps

Although the researcher considers this commitment to have only moderate impact potential, some actions should be more detailed to ensure that this potential is translated into concrete changes:

- A debate or participatory workshop could be promoted to allow civil society to have an opinion on the characteristics that will compose the digital tool to be developed;
- Define how many meetings and training sessions and the location where they will be held so that a significant number of people and organizations can adopt the new tool;
- Define how and how many Educational Units will be involved for milestones 3 and 4;
- Besides training civil society, it is advisable to include activities that better connect the new tool to spaces that foster dialogue on how to reduce maldistribution of resources.

5. Fight against corruption

Commitment text:

Guarantee the accessibility of public data in open format, through integration and betterment of the information made available on contracts, bids and budgetary/financial execution of the city of São Paulo, improving existing mechanisms, enabling better conditions for citizen monitoring of bidding processes.

Milestones

- 5.1 Make a diagnosis on the information and systems of the City of São Paulo related to contracts, public bidding and budgetary/financial execution.
- 5.2 Present a proposal to improve the availability of information in an open and integrated way, relating it, to the territorial aspect when possible.
- 5.3 Encourage, through “Agentes de Governo Aberto” Program (“Open Government Agents”) public notice, the submission of projects related to public bids and public procurement subjects.
- 5.4 Expand and improve the training of the public servants working with bids.
- 5.5 Standardize and better the publications of the public bids on the Official Gazette of the City of São Paulo and on PubNet.
- 5.6 Improve the flows and processes for regular feeding of the records on disreputable and suspended companies.

Start Date: January 2019

End Date: August 2020

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5. Overall		✓				✓					Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Overall objective and relevance

The last commitment is about the “Fight against Corruption”, and, more specifically, seeks to strengthen the transparency on the procurement processes. Its goal is to provide public data access in an open form through the integration and improvement of the available information on contracts, bidding, and budget execution by revamping the existing mechanisms, enabling better conditions for citizen oversight of the bidding processes.

The information and process of the bidding procedures are currently scattered across different platforms and channels: the Transparency Portal, the Official Journal of the City of São Paulo, the Budget and Financial System (SOF), and the São Paulo City e-Business portal. The main goal of the commitment is to consolidate the information and make it more accessible, which would render oversight of the budget execution and procurement much more effective.

The procurement process in São Paulo has witnessed important changes over the past six years. Probably the most relevant change was the regulation of the “electronic bidding” procedure, which was brought about by executive decrees n° 54.102/2013 and n° 55.427/2014, which instituted its guiding principles. As a result, this bidding model that was previously used in 56.1% of the auctions reached 88.4% of the procedures in 2015, leading to an estimated savings of R \$600 million (around US \$150 million)⁸⁷.

In 2015, the Office of the Municipal Comptroller launched the “Open Contracting” programme. The agency organised a hackathon to develop systems to improve the way the official journal should change the standard of publishing information so procurement data could be systematized into a database, allowing tools to be developed, transparency to be increased, and access to information to be improved.⁸⁸

However, challenges remain, as this information is not easily accessible. This commitment seeks to tackle this aspect of the bidding process and is relevant to access to information. Milestones 5 and 6 presume improvements in websites and software making the commitment relevant for Technology and Innovation.

Verifiability and potential impact

The milestones follow sequential logic. The first task is to run a diagnostic about the information and systems of the São Paulo City Hall related to contracts, bidding and budget execution. Then, the second milestone provides the presentation of an improvement proposal potentially relating to a territorial dimension. The third step would be to encourage projects from the Open Government Agents programme related to public procurement to be shortlisted in order to support the measures. Additionally, the fourth milestone tackles the issue related to the capacity building of civil servants that work directly with procurement.

Another crucial milestone to enable the whole process has to do with the standardizing and improvement of the procurement information published at the Official Journal of the City of São Paulo and at the PubNet platform. Finally, the last milestone seeks to improve the flows and processes to regularly update the credential of disreputable and convicted companies.

⁸⁷ Office of the Municipal Comptroller of São Paulo (2016). Controladoria Em Casos. Available at https://www.prefeitura.sp.gov.br/cidade/secretarias/upload/controladoria_geral/arquivos/CC_Final2.pdf

⁸⁸ A presentation on the subject was held during the Cafe Hacker on Public Contracting: <https://www.youtube.com/watch?v=FHIGf5xAURw>

The commitment, as written, contains clearly stated objectives and actions, and can be verified through future assessment processes. It is about making very specific changes to render the procurement process more open and transparent and each milestone contribute to this end. This objective of this commitment ticks a couple of boxes related to the principles of open government, showing a high degree of relevance: it is very much related to the improvement of the access to information. Although it does not seek to disclose more information that is currently restricted, it does have as its first goal to essentially improve the quality of the information disclosed. In that sense, milestone 5 is critical because it would solve a problem previously identified by the Office of the Municipal Comptroller: the lack of standardization of information being published in the official journal of the city. What is less clear is its relation to technology and innovation: it is not specified how the integration of systems and platforms will take place and to what extent the standardization of the Official Gazette, which would mean indeed a clear improvement, does constitute a real innovation.

As for commitment 3, the portals and systems mentioned in the present commitment have a very different nature, and they are maintained by different Secretariats, turning into a challenge to any attempt at integration.

If the commitment, as written, is completed, it could have a moderate impact on the way the bidding processes work. The electronic bidding process has already resulted in efficiency gains for City Hall. If the city is able to increase transparency and access to information through the standardization of information and make it available in an open format, it could potentially have some impact, reducing information asymmetries and preventing price fixing and anti-competitive practices. This would result in a reduction of transaction costs and increase further the efficiency of public expenditures.

Next steps

Although the commitment is very detailed and with a good potential to deliver a moderate impact, there are aspects to take into consideration that were not stated in the action plan. As the commitment is related to several digital platforms, integration of databases and systems, it will require a high level of coordination capacity among different Secretariats: Management, Finance, CGM, SMIT, and others.

Also, it is worth noting that this commitment contains a strong overlap with the commitment 3, related to the integration of platform of public information from City Hall. Therefore, efforts should be taken in coordination to achieve the integration of the platform to complete both commitments.

In relation to milestone 1, the implementation team could be more ambitious and try to develop a research-action type of diagnosis, to ensure policy recommendations will be implemented and tested as the survey is carried out, so that relevant research work is not gone to waste.

In relation to the standardization and improvement of publications of procurement information, the IRM researcher recommends that the procedure be more straightforward and simple so that the public servant publishing documents comply with standards, without having to consult with manuals or diverge from the desired guidelines.

It is also advisable to be more specific about the goals to be attained with the capacity building activities, defining specific gaps to be addressed and connecting them to the main objective of the commitment.

As the IRM researcher has recommended for commitment number 3, in this case, the city also could benefit from co-creation dynamics and crowdsourcing. Civil society and citizens in general might rely on a series of skills and knowledge that might render the integration process better and faster. Moreover, it is important to retrieve and to take into considerations the reflection, research and learnings from the initiatives undertaken by the Office of the Municipal Comptroller, in its COPI

department, in particular the Open Contracting programme,⁸⁹ to make quicker advances and avoid institutional knowledge going to waste.

Also, it would be important to integrate key stakeholders (civil servants that work directly with procurement and supplier companies) not only at the end stage, as it is provided, but also at the earlier stages, before and during the concrete actions to integrate the procurement information, as they will probably play a role in improving data.

The IRM researcher believes this could be a commitment that should be given priority and continued in the future, as it has a potentially major impact, but it might require a longer time to be running at full speed. But it also has measurable objects (purchases) that can be used as baselines for policy evaluation in the future.

⁸⁹ This programme was developed by the Integrity Promotion Coordination and it was coached by Govlab Academy Coaching Programs/Open Contracting Projects: <http://thegovlab.org/govlab-academy-coaching-programs-updates/>

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

- **Promote public accountability commitments:** one of the shortcomings of the current plan is the lack of commitments related to the public accountability dimension. Such commitments should include a public-facing element. They should also include progress on rules, regulations, and mechanisms through which government answers requests and justifies actions, receives and acts upon criticisms or requirements, and accepts responsibility for failure to perform with integrity.
- **Expand participation along all the process of co-creation:** one positive aspect worth highlighting in São Paulo is the improvement in participation, which is an effort that should continue to be pursued. One possibility related to this task is to make greater use of public facilities, such as schools, public clinics and public equipment to improve the communication outreach and public participation in the activities (in particular, in the case of schools, the articulation with the Education Secretariat to use these facilities as sites of meetings and workshops could potentially boost participation). Another way of improving participation could be to open the Forum to CSOs specialized in key policy areas such as Education, Health, Mobility, Human Rights, Social Protection, and so forth.
- **Give priority to policy themes that are connected to everyday people's lives:** it is important to use Open Government strategies as tools to make a more direct difference in people's lives, which will require an effort to tip the scales away from managerial and processes and more towards the core activities of the administration.
- **Improve the co-creation process to increase the quality of commitments:** one challenge that appeared is the need to have better-framed commitments, in operational terms. Many times, the participatory process resulted in commitments and milestones that were not feasible, either from a legal or managerial point of view. A change in the procedures, including a second workshop to refine commitment texts, could be a way to reframe the commitment text and still keep the participatory process intact.
- **Increase participation through the creation of an online forum:** greater effort to improve participation would be to create an online forum, not only to monitor the commitment execution but also to foster discussion on priorities and challenges related to open government themes (transparency, accountability, participation) in a more permanent way. This platform can be integrated into the OGP project (resources, documents, etc.) and to the channels where online consultations are made.

Table 5.1: Five Key Recommendations

1	Promote public accountability commitments
2	Expand participation along all the process of co-creation
3	Give priority to policy themes that are connected to everyday people's lives
4	Improve the co-creation process in order to increase the quality of commitments
5	Increase participation through the creation of an online forum

5.2 Response to Previous IRM Key Recommendations

Of the five recommendations, government addressed two in the present action plan. Stakeholders who participated in the multi-stakeholder forum (Fórum de Gestão Compartilhada, FGC) stated that the action plan diversified its commitments, managing to elaborate proposals on key sectoral policies such as Education and Anticorruption policies. In addition, the FGC was successful in expanding the participatory process both qualitative and quantitatively. The government was less successful in achieving public accountability relevant commitments, and it failed to develop a clear set of rules and guidelines for the functioning of the FGC. Moreover, there was no evidence of greater involvement of other government agencies in sharing responsibilities with Supervisão para Assuntos de Governo Aberto during the process of co-creation.

Table 5.2: Previous IRM Report Key Recommendations

Recommendation	Responded to?	Integrated into Current Action Plan?
1 Diverse action plan: Make sure future action plans balance between commitments aiming to invest in structural open government capacity-building and dissemination initiatives, and commitments seeking to open government in key sectorial policies. The former would include strengthening implementation of those commitments initiated in 2017. The latter would involve issues such as housing, health, education, and anti-corruption. The Shared Management Forum (the Forum) should allow more time to refine commitments' language, to include clear result indicators for monitoring, evaluation, and learning (ME&L).	✓	✓
2 Stronger focus on public accountability: Promote the development of commitments that focus on integrity and public-facing systems of accountability. Enhanced integrity and anti-corruption commitments can build on or expand existing mechanisms, such as the electoral clean-slate law Ficha Limpa (a direct people's initiative bill of 2010). Such commitments could also boost efforts by governmental bodies such as the Office of the Municipal Controller, which has recently launched an Integrity and Good Practices	X	X

	Program. These efforts should integrate public-facing mechanisms that call upon the government to justify its actions, act upon criticisms or requests made of them, and accept responsibility for failure to perform with respect to laws or commitments.		
3	Inclusive action plan development: Keep investing in participatory co-construction, building on the diversity and inclusiveness of consultations and allowing for more time for the whole process. These actions will increase ownership within and outside government. Expand participation of civil society actors, both thematically and geographically. Recruit new governmental actors, for instance, by adding a complementary internal consultation process with governmental departments.	✓	✓
4	Enhanced governance: Develop a clear set of guidelines to clarify roles and responsibilities of both civil society and governmental representatives in the Forum during action plan development and implementation. These guidelines should complement Inter-Secretarial Committee of Open Government (CIGA) Resolution No. 1 (from August 2016). Consider inviting all CIGA members, particularly those involved in commitment implementation, to join Forum meetings. Also, establish a clear dialogue and mutual-accountability framework between the Forum and the CIGA.	X	X
5	Decentralized implementation: Strengthen São Paulo Aberta's coordination and mobilization roles, both within the Forum and the CIGA, sharing implementation responsibilities with other relevant departments. This will expand buy-in and political and financial commitment from other secretariats. Alternative arrangements, such as shared OGP coordination between two or more City Hall departments, can be explored to strengthen coordination and achieve decentralization.	X	X

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 São Paulo OGP repository⁹⁰ (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

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

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

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and stakeholder input

For the interview with key stakeholders, the first step was to identify the organisations and government agencies involved. The second step was to single out the most relevant actors in the administration and select civil society organisations in such a way that social movement, professional NGOs and civic leaders were all included. In total, 5 interviews were undertaken with government representatives and 4 with civil society members⁹¹.

Government representatives

- Ana Dienstmann, open government advisor at Office of the Municipal Comptroller (CGM), 26 March 2019.
- Carolina Sciarotta, Public policy analyst at Municipal Education Secretariat, 20 March 2019.
- Danielle Bello, advisor at Municipal Education Secretariat (former OGP's point of contact at *Supervisão para Assuntos de Governo Aberto*, SAGA), 26 March 2019.
- Patrícia Marques, supervisor at *Supervisão para Assuntos de Governo Aberto* (SAGA), 25 March 2019.
- Gabriela Boechat, civil servant, and Henrique Goes, current OGP point of contact, at *Supervisão para Assuntos de Governo Aberto* (SAGA), 25 March 2019.

⁹⁰ See São Paulo City Hall website:

https://www.prefeitura.sp.gov.br/cidade/secretarias/relacoes_internacionais/sao_paulo_aberta/index.php?p=26099

⁹¹ Some extra interviews were done in November 2019 to talk specifically about the latest changes made on commitments 1 and 2 of the action plan.

Civil society representatives

- Handemba Mutana, coordinator at Fundação Tide Setúbal, 21 November 2019 (by telephone).
- Joara Marchezini, coordinator of access to information at Article 19 and representative of RETPS at the FGC, 25 March 2019 (by telephone).
- Letticia Rey, deputy representative of former open government agent at the FGC, 21 March 2019.
- Marcus Bonfim, professor and representative of FECAP, 12 November 2019 (by telephone).
- Maria Angélica Oliveira, representative of *Projetos Integrados de Desenvolvimento Sustentável* (PIDS), 20 March 2019 and 8 November 2019 (by telephone).
- Renata Galf and Manuel Galdino, transparency analyst and executive-director of Transparência Brasil, 19 March 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 composed 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 IRM Procedures Manual, V.3: <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. Overview of São Paulo 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.	Yellow
2a. Multi-stakeholder: The forum includes both governmental and non-governmental 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.	Green
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	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

Key:

Green = Meets standard

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

Red = No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Yellow
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process.	Yellow
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Green
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	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)	Yellow

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