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Action Plan Review: Spain 2020–2024

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Introduction

Starting in January 2021, the IRM began rolling out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons of more than 350 independent, evidence-based, and robust assessments conducted by the IRM and the input from the OGP community. The IRM seeks to put forth simple, timely, fit-for-purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP *action plan cycle.*

The new IRM products are:

1. **Co-creation brief**: brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022–2024 action plans.
2. **Action plan review**: an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021 beginning with 2020–2022 action plans. Action plan reviews are delivered 3–4 months after the action plan is submitted.
3. **Results report**: an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019–2021 action plans ending implementation on 31 August 2021. Results reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of Spain's 2020–2024 action plan. The action plan is made up of nine commitments that the IRM has filtered and clustered into five groups. Commitments include 57 initiatives by the General State Administration and 53 subnational initiatives. This review focuses on the most promising commitments to inform their implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this action plan review, see Section II, Methodology and IRM Indicators.

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[1] For more details regarding the IRM Refresh, visit
https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/.

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Section I. Overview of the 2020–2024 Action Plan

The co-creation process for Spain's fourth action plan represents an ambitious step to continue advancing the open government agenda in the country. The plan has a strategic approach that integrates historical civil society demands by reforming the legal framework for access to information and public integrity systems.

Spain's fourth action plan contains nine commitments that encompass different initiatives at the national level and are aligned with the Sustainable Development Goals. Additionally, the plan includes 53 open government initiatives from Spain's 19 autonomous communities and cities and one from the Spanish Federation of Municipalities and Provinces, all of which address the thematic areas established at the national level.

The Sectoral Commission on Open Government and the Open Government Forum, created as part of Spain's third action plan, organized a broad participatory process to design the action plan. The Ministry of Territorial Policy and Public Function conducted an open public consultation from which 130 citizen proposals emerged. Between June and September 2020, before drafting the action plan, stakeholders voted during workshops to evaluate and prioritize proposals. Subsequently, the draft action plan was submitted to a final public consultation and approved by the Plenary of the Open Government Forum.

The action plan addresses some policy areas carried over from past cycles, such as transparency, open data, and citizen participation. At the same time, it introduces new policy areas such as integrity for artificial intelligence, as well as historical civil society demands like the regulation of lobbying and interest groups, and the protection of whistleblowers.

> **AT A GLANCE**
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> **Participating since:** 2011
> **Action plan under review:** 2020–2024
> **IRM product:** action plan review
> **Number of commitments:** nine plus one additional commitment on local initiatives
>
> **Overview of commitments:**
> - Commitments with open gov lens: 9 of 9
> - Commitments with substantial potential for results: 6 of 9
> - Promising commitments: 6 of 9
>
> **Policy areas carried over from previous action plans:**
> - Transparency
> - Open data
> - Citizen participation
> - Training of civil servants
>
> **Emerging policy areas:**
> - Public integrity systems
> - Registry of interest groups
> - Artificial intelligence
> - Whistleblower protection
>
> **Compliance with OGP minimum requirements during co-creation:**
> Acted according to the OGP process: Yes

Civil society representatives said that the effort put into developing this action plan is remarkable, especially considering the impact of the COVID-19 pandemic during the process.[1] They highlight the openness of government representatives to discuss the proposals obtained during the consultation process, as well as the broad participation of organizations both at the local and regional levels.[2] Regarding its content, they indicate that the issues addressed through this action plan have evolved, outlining a more harmonious and longer-term vision for open government. The plan takes into consideration the lessons learned from the challenges of implementing substantial reforms over a two-year period.[3] It is important to highlight the level of participation and efforts used to integrate subnational initiatives as part of this plan.

Generally, the commitments in the action plan present opportunities, when understood as a whole, to generate positive and sustainable results in opening government. As representatives

of Access Info Europe pointed out to the IRM, the key challenge in this respect will be to secure the political will to achieve legislative approvals for proposed reforms.[4]

Regarding the action plan's awareness-raising and training pillar (Commitments 7, 8, and 9), the IRM values the adoption of recommendations from the OECD and IRM on inclusive open government communication strategies, since they are cross-cutting and instrumental for implementing other commitments. Although the IRM considers that these commitments have a modest potential for results, it is possible that the best practices contemplated as part of the Open Government Observatory and efforts toward inclusive communication will contribute to more substantial results in policy areas that choose to replicate them.

The IRM identified four promising reform areas with substantial potential for results: the regulatory framework for transparency, the public integrity system, the improvement of citizen participation processes, and the plan to improve transparency and accountability.

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[1] Access Info Europe, "España aprueba un ambicioso IV Plan de Acción de Gobierno Abierto" [Spain approves an ambitious fourth open government action plan] (Access Info Europe, 30 Oct. 2020), https://www.access-info.org/es/blog/2020/10/30/espana-aprueba-iv-plan-accion-gobierno-abierto/.

[2] Manuel Villoria Mendieta (Universidad Rey Juan Carlos), interview by IRM researcher, 23 Mar. 2021.

[3] Rafael Rubio Núñez (Universidad Complutense de Madrid), interview by IRM researcher, 29 Mar. 2021.

[4] Access Info Europe, survey by IRM researcher, 26 Mar. 2021.

Section II: Promising Commitments in Spain's 2020–2014 Action Plan

The following review looks at the commitments that the IRM identified as having the potential to realize the most promising results. To that end, this report analyzes key challenges, opportunities, and recommendations to contribute to the learning and implementation processes of this plan. The IRM results report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. Early identification of the potential outcomes of the action plan will be the base for the upcoming results report research phase.

The IRM clustered seven out of the nine commitments included in the action plan as follows:
- Improved citizen participation (Commitments 3 and 4);
- Public integrity systems (Commitments 5 and 6); and
- Open government awareness-raising and education (Commitments 7, 8, and 9).

Commitments 1 and 2 were individually assessed and the 53 local initiatives were assessed jointly as additional open government initiatives. At the end of this analysis, the IRM presents an overall analysis of the commitments' characteristics, goals, and their relation to the action plan.[1] Based on their potential for results and the open government priorities identified during the consultation process, the IRM identified the following six commitments as the most promising.

Table 1. Promising commitments

Promising Commitments
1. Reforming the regulatory framework to increase transparency and accountability: The proposed reforms seek to improve the right of access to information, enforcing the law and addressing areas of opportunity of the current regulations.
2. Plan to improve and strengthen transparency and accountability: This commitment aims at strengthening the quality of information in key public policy areas (grants, business registers, state budgets) while establishing a method for enforcing the Transparency Act (19/2013).
3. Improved citizen participation (Commitments 3 and 4): Activities under these commitments could improve the quality of participation spaces, both in terms of interactions via the Transparency Portal, and the identification of citizen input and their traceability into public policy.
4. Public integrity systems (Commitments 5 and 6): These commitments seek to create tools for the state administration to prevent corruption and strengthen integrity.

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Commitment 1. Reforming the transparency and accountability regulatory framework
Lead agencies: Ministry of Land Policy and Public Administration

For a complete description of this commitment, see:
https://www.opengovpartnership.org/documents/spain-action-plan-2020-2024/

Context and objectives
This commitment seeks to strengthen the regulatory framework around transparency, access to information, and good government, particularly as it relates to the Transparency Act (19/2013). Civil society has shown great interest in strengthening this public policy area, as indicated by 69% of consultation responses that relate to transparency, open data, and accountability.[2]

As described in the action plan, it is necessary to 1) pass regulation to strengthen the act, and 2) draft reforms addressing the legal gaps identified to maximize transparency in public administration.[3] The purpose of the reform regulation is to clarify the scope of the obligations established by the act and adapt transparency regulation to the jurisprudence and criteria established by the Transparency and Good Government Council of the Spanish Agency for Data Protection, among others.

The first steps in drafting reforms were taken in 2014 and included in Spain's third action plan. However, the regulation did not pass. The third version of Transparency Act reforms, reviewed in 2019, includes dispositions around obligated subjects, updating and regularity of information disclosure, control powers by the Council for Transparency and Good Government (CTBG), limits to the right of access to information, and others.[4]

This commitment suggests approval of the Transparency Act reforms by the end of 2020; the promotion of these reforms via a participatory process that secures the approval of the Council of Ministers by 2023; and the ratification of the Council of Europe Convention on Access to Official Documents (2009) by 2021. The reform process includes broad participation by government agencies and civil society organizations through the Open Government Forum.

Both the act and its reforms have become increasingly relevant during the COVID-19 pandemic since the state of alarm declared by the government resulted in suspended access to information requests.[5] Civil society and other stakeholders of the Pro Accesso Coalition expressed their concern to the government,[6] Some civil society have also highlighted the need for disciplining public officers who fail to meet their legal obligations.[7]

Access Info Europe highlighted the need to ratify the Council of Europe Convention on Access to Official Documents, allowing Spain to adopt the highest international standards on access to information.[8]

Potential for results: Substantial
The approval and coming into force of the regulation and the reforms to Act 19/2013 could bring about improvements and substantial outcomes around the right of access to information, considering two key factors. First, the clarification—in the short term and via the regulation—of interpretation items to improve its application, and, second, a deeper analysis of the act through the reform process to address issues such as those identified by the Global Right to Information Rating.[9] These reforms include engaging the judiciary and the government in the law enforcement arena; streamlining access to information requests; providing special attention to people living with disabilities; and others.

If the reform process is completed as written in the commitment—with broad participation from civil society and the public via consultations and the Open Government Forum—the right of access to information could be included as a fundamental right, additional obligated entities could be included, and the CTBG could be strengthened as a guaranteeing body.[10]

Opportunities, challenges, and recommendations during implementation
A key element for implementing this commitment will be to achieve consensus among the political and social stakeholders engaged in the reform process, as well as to ensure that the proposed legal reforms have the right scope. For instance, the reform process is an opportunity to answer the demands posed by civil society to grant the CTBG greater independence, monitoring, and disciplinary powers to strengthen its ability to enforce transparency. Also, the state of alert declared during the COVID-19 pandemic is an opportunity to proactively strengthen the mechanisms and procedures that guarantee the right of access to information, as recommended by the *Guide to Open Government and the Coronavirus* published as a resource available to OGP members.[11]

A challenge that could affect the outcomes of this commitment is a lack of consensus among the Council of Ministers to approve the reforms, and for the parliament to adopt the reform. The process must also consider the pandemic and how the limits to physical participation could affect public consultation efforts around this and other commitments.

Thus, the IRM recommends the following during the implementation phase:
- Ensure political and social diversity during discussions on the regulation and reforms to the transparency act, especially during discussions to promote consensus.
- Ensure that the obligated entities are clearly identified in the Transparency Portal or the CTBG portal to ensure that any person can identify them and understand their obligations. Promote participation of these entities in the reform process to gather their input and gain their participation and political support.
- Document citizen and civil society input to the reforms and strengthen the devolution process.
- Adapt the consultation instruments to languages spoken by autonomous communities and to the needs of groups with special needs. Provide opportunities for remote participation.

Commitment 2. Plan to improve and strengthen transparency and accountability
Lead agencies: Council for Transparency and Good Government (CTBG), Ministry for Land Policy and Public Administration, Ministry for Economic Affairs and Digital Transformation, Ministry of Treasury, and Ministry of Justice

For a complete description of this commitment, see:
https://www.opengovpartnership.org/documents/spain-action-plan-2020-2024/

Context and objectives
This commitment includes four broad actions to continuously improve transparency and open data. First, it promotes establishing a system to certify public and private entities subject to the Transparency Act using the MESTA methodology.[12] This commitment assumes that assessment and certification incentivizes institutional openness and understands the need for standards to assess compliance by obligated entities.

Second, it contemplates improving the Transparency Portal as an ongoing task, adapting to the needs of the citizenry and the administration. The 2017–2019 action plan included a

commitment on the portal that aimed at uploading information in a usable format, improving accessibility, and promoting the use of clear language. According to Access Info Europe, the goal is to have a portal with more and better information by creating a broader information inventory that includes a content map to make information more accessible and in an open and reusable format.[13] These improvements would seek to facilitate, through the creation of a dedicated website, the monitoring of Sustainable Development Goal (SDG) plans, the design of a list of government services, and other actions for ongoing improvement.

A third line of action aims to incorporate EU Directive 2019/2014 on open data[14] into the Spanish legal framework, laying down "a set of minimum norms that regulate the reuse and practical mechanisms to facilitate the reuse of documents held by the public agencies of the member States; documents held by certain public companies; and research data."[15] In the opinion of Access Info Europe, a future prospect for this commitment is to create mechanisms for local entities to disclose information, either through a joint website or through the corresponding autonomous community.[16]

Finally, this commitment includes various initiatives relevant to specific sectors (grants and subsidies, budget transparency, financial management, and public contracting) that would strengthen transparency. These include the identification and publication of major beneficiaries of public subsidies who must proactively publish information on the subsidy repository, www.infosubvenciones.es.[17]

In addition, this commitment includes transparency initiatives for the state's general budgets, improvements for access to information about financial management of local administrations, disclosure of summarised and aggregated information on public sector contracting, and disclosure of judgments by the Advisory Board for Public Contracting. It also includes an initiative to open up and eliminate fees to access the business register, as mandated by European Directive 2019/1151.

Potential for results: Substantial

As described in the action plan, there are a series of scattered, heterogeneous methods to assess adherence to the Transparency Act by obligated entities, who do not always comply with the law.[18] Thus, implementing this commitment promises to establish a standardized procedure to assess adherence using clear, lawful criteria. This will allow the Council for Transparency and Good Government and other agencies to better monitor and support regulation enforcement. It could also support identification of common challenges to address through the regulation and reforms proposed in Commitment 1.

In the opinion of civil society representatives, improving the subsidy repository is a major step forward in the enforcement of the law and possible data reuse, especially considering the great universe of beneficiaries at the national, autonomous, and local levels.[19] According to Transparency International, this is a key step for transparency in the private sector.[20]

On the other hand, developing a streamlined tool to present budget information, which civil society has demanded for years, would contribute to improving information quality and promoting citizen advocacy. This would not require the level of expertise that is currently needed to analyze published data.[21]

Opening up and eliminating fees to access the business register is a significant step in addressing the current call by various anticorruption CSOs and advocates to eliminate economic barriers (which do not exist in other European countries) and allow access to this information free of charge. This register includes key information to identify private interests (of individuals

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or businesses) which are or might be directly related to decision making, public money management, or public contracting. While a private developer already offers a free database of commercial records, having a government agency also provide a free registry would secure sustainable access to this information.[22]

The process to improve data and dataset tools should be ongoing. Therefore, including new areas in this commitment is a step in the right direction. A key aspect is the development of infographic materials, as these can be easily understood by the non-specialized public.

Opportunities, challenges, and recommendations during implementation
This commitment is an opportunity to complement several actions included in the action plan. The system for transparency certification proposed as part of this commitment should not only consider the assessment as an incentive for efficiency, but should also make MESTA a standard reference to facilitate the work of the CTBG. Disciplinary actions for noncompliance could be included as part of the reforms to the access to information legal framework proposed in the action plan.

Debates to improve the Transparency Portal and the need for public data promoted as part of this commitment could facilitate synergies to strengthen governance and citizen participation, inclusive development, and innovation in open data policy.[23]

Key to this commitment's success is to ensure that the Transparency Portal reflects the data needs of the citizenry and to promote its reuse. This not only entails providing information to the citizenry but also ensuring the creation of a tool to respond to accountability findings and adopt corrective measures.

Thus, the IRM recommends the following during the implementation phase:
- Review proposals received during the development of the action plan to identify general guidelines in the priority areas where there is demand for data.
- Incentivize and work with the citizenry to promote the use and reuse of public data. This includes contests or events to encourage citizens to use specific datasets for citizen oversight. In Spain, both at the national and autonomous community level, various entities and collectives that use and promote the use of open data would be willing to collaborate in this initiative.[24] Implementors could find inspiration in international success stories from other OGP members.[25]

Commitment cluster 3 and 4: improved citizen participation
Lead agencies: Ministry of Land Policy and Public Administration, Ministry of the Presidency, Courts and Democratic Memory

For a complete description of this commitment, see:
https://www.opengovpartnership.org/documents/spain-action-plan-2020-2024/

Context and objectives
Citizen knowledge and participation in public decision-making is increasingly relevant in OGP action plans, and is a major focus in this section of Spain's action plan as it was highlighted during the co-creation consultations.[26]

The third action plan (2017–2019) promoted creating an open government online participatory space. However, instead of a participation space, the plan resulted in creating an information tool that was used by civil society-government working groups to support monitoring. Monitoring studies by the Participatory Observatory during the implementation of the 2017-

2019 action plan identified areas to address, including ways to explain ministry procedures for drafting regulations and the variety of channels for providing input which currently hinders the creation of participation statistics.[27]

The current action goes a step beyond this previous commitment. It seeks to improve citizen participation across the various stages of public-program design by using electronic tools and social media. To this end, the commitment will include a participation space in the Transparency Portal, various self-assessment and improvement tools, pilot programs, and innovation labs to secure participation in public policy-making. The commitment will also secure traceability in the design of regulations, allowing the public to track citizen input and the influence of private and social stakeholders. This is known as "regulatory footprint."[28]

Potential for results: Substantial
Overall, the proposed actions have the potential to bring about substantial changes in this public policy area. The participation space included in the Transparency Portal would materialize an IRM recommendation made in several previous assessments. The portal would become a true open government host not only for participatory OGP processes but also for other participatory processes promoted by the General State Administration. Implementing pilot projects in different areas allows refinement of citizen participation mechanisms. Implementing innovation labs can provide the first-ever collaborative space to allow citizens input on issues and design better public policies.

Representation and institutionalization, as described below, is key to secure sustainability and use of these initiatives. Once implemented, the methodology to track citizen input to policymaking will complement the assessments of participatory mechanisms adopted by various agencies.

A researcher who participated in the Observatory activities and is a current member of the Open Government Forum, explained that this commitment is an opportunity to create a single space to concentrate all citizen participation initiatives and to present this space in a user-friendly format with clear language.[29] In their opinion, it is important for the tool to provide responses to citizen input.[30]

Opportunities, challenges, and recommendations during implementation
This commitment has the potential to create a working dynamic with increasing engagement on main issues affecting citizens, such as COVID-19 management. It also offers spaces for integrating similar pilot programs of the General State Administration, including the Social Network of the National Institute for Public Administration (http://social.inap.es). This calls for shared work, collaboration, and monitoring by the members of the Open Government Forum.

Linking this commitment with Commitment 2 could further strengthen the overall outcomes of the action plan. For instance, innovation labs can identify actions within public policies that allow for better citizen participation.

In previous action plan assessments, the IRM identified challenges to citizen participation, including engaging stakeholders beyond the usual suspects.[31] A major challenge is to ensure that greater representation not be the end, but a starting point, and that sound public policies and programs result from participatory processes.

Finally, this commitment will be strengthened as long as participation mechanisms are consistent and formal and not solely isolated events occurring only during the implementation of this action plan.

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Commitment cluster 5 and 6: public integrity systems
Lead agencies: Ministry of Land Policy and Public Administration; Ministry of Justice

For a complete description of this commitment, see:
https://www.opengovpartnership.org/documents/spain-action-plan-2020-2024/

Context and objectives
The decision to include commitments in this area responds to citizen input gathered during the consultations and to government strategies to strengthen preventative public integrity systems from different angles.[32] This policy area was not included in Spain's previous action plans.

Establishing a public integrity system for the central administration will strengthen the ethical values and integrity of public institutions, as well as build public trust. To this end, the process includes:
- Diagnostic assessment of existing public integrity systems;
- Quality management models and conduct codes for the General State Administration;
- Mapping ethical risks within organizations; and
- Guides for the use of artificial intelligence in the public sector.

This cluster also aims to adopt two new legal frameworks: one to regulate lobby groups and create a lobby register; and one to draft a law for whistleblower protection in the public and private sectors. Lobby regulation and whistleblower protection have been constantly demanded by civil society organizations.[33] In Europe, regulations around lobbying, conflicts of interest, and whistleblower protection have been priority areas promoted as part of the open government framework. This cluster also includes reforms to reduce incompatibilities of individuals selected for public administration.

The open government lens is considered through participation by civil society stakeholders, including academia and other entities, in the analysis of new regulatory frameworks. The resulting regulation is expected to bring about greater transparency, encouraging access to information.

Potential for results: Substantial
Overall, these proposed actions could bring about substantial results, especially if the integrity system is successful in reducing corruption,[34] managing conflicts of interest in public administration, and building public trust.

Input gathered through assessments is the starting point to identify corruption risks and key points that need to be addressed through integrity management models and codes of conduct. The legal frameworks will provide tools to prevent crime and protect both public and private individuals who work with law enforcement.

An academic believes this commitment is an opportunity to create the necessary bodies, procedures, and instruments for integrity within the General State Administration.[35] This will facilitate control of undue influences and policy capture by private interests.[36] The academic also pointed out that this area has achieved various degrees of progress in the country; Castilla La Mancha and Catalunya, for instance, have laws that regulate lobbying. The varying levels of regulation across Spain make it necessary that all levels of government recognize the need and ensure the implementation of these systems.[37]

Opportunities, challenges, and recommendations during implementation
The regulatory nature of these commitments tend to lead to consultation processes with few opportunities for broader citizen participation beyond interest and specialized groups. To

strengthen participation spaces, the IRM recommends integrating mechanisms to encourage participation, for example by using the Transparency Portal. According to OGP staff from Spain, on 28 April 2021, a consultation was held to gather proposals from citizens, interest groups, and stakeholders that will be considered during drafting the bill. Also on 28 April 2021, the government held a consultation on the bill to prevent conflicts of interest in the public sector.[38]

A challenge in this policy area is establishing proportional disciplinary mechanisms and strengthening regulatory entities, such as the Office for Conflicts of Interest. This means granting the office additional resources, adopting European best practices to manage conflicts of interest, and other recommendations from a comparative study by the Department for Citizen Rights and Constitutional Affairs of the European Parliament.[39] The IRM also recommends including, as part of the assessment and development of codes of conduct for the General State Administration, various disciplinary actions responding to the severity of the misconduct, incorporating the accountability dimension.

Finally, the results of this commitment will depend largely on the ability to pass the applicable reforms. The IRM recommends developing—from the beginning of the implementation—a strategy to reach consensus among political and social stakeholders so that proposed new instruments are effectively adopted and enforced.

Additional Open Local Government Initiatives for Spain's Autonomous Cities and Communities

Spain's fourth action plan includes a commitment comprised of 53 additional open local government initiatives led by autonomous communities and cities, and the Spanish Federation of Municipalities and Provinces (FEMP). All of these correspond to at least one of the thematic areas included in the national action plan. A common issue across all of them is citizen participation, which will be fostered using technological tools and citizen labs. In at least three communities (Navarra, Aragon, and Murcia), children and youth participation will be encouraged. Cantabria is one step ahead and will seek the approval of an Autonomous Act of Citizen Participation.

Castile and Leon, and Islas Baleares will expand regulatory frameworks and included commitments to pass regional transparency acts. Data openness is another recurring issue; Catalunya's initiative stands out as it puts forward an open data strategy for its gender equality policies. Finally, like the national plan, several autonomous communities will promote capacity-building to strengthen the open government agenda at the local level.

In the opinion of the IRM, this commitment adopted across the local administrations is innovative and unprecedented. It is a model for other OGP entities with federal or decentralized systems who seek to integrate local entities into their co-creation and action plan processes. This initial review of the action plan does not look into each initiative, but during the implementation assessment, the IRM will include progress and achievements by local initiatives that are reported through accountability tools as part of the monitoring efforts by the Open Government Forum and Spain's OGP team.

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Table 2. Local initiatives included in Spain's 2020–2024 action plan

5. COMMITMENTS AT THE AUTONOMOUS COMMUNITIES AND LOCAL LEVEL			
10	**OPEN GOVERNMENT INITIATIVES OF THE AUTONOMOUS REGIONS AND CITIES AND THE FEMP**		
BASQUE COUNTRY REGIONAL GOVERNMENT • Accountability through mandate plans	**CATALUNYA REGIONAL GOVERNMENT** • ParticipaCatunya.cat • Participation space for the strategy to fight against corruption and strengthening of public integrity • Open data strategy for gender equality policies	**GALICIA REGIONAL GOVERNMENT** • Instruments for managing and evaluating public policies and services • Institutional integrity framework • Integrated system of serving the citizenry and Open Government • Digital Administration and participation • Transparency, accountability and accessibility	**ANDALUCÍA REGIONAL GOVERNMENT** • Training Plan in Open Government and Data Openness for civil servants • Data openness plan and promoting Big Data technology
ASTURIAS REGIONAL GOVERNMENT • Strategic transparency plan of the Asturias Regional Government	**CANTABRIA REGIONAL GOVERNMENT** • Citizen Participation Law	**LA RIOJA REGIONAL GOVERNMENT** • Code of Ethics • Improvement of the access to the Transparency Website and Open Data Website • Catalogue of public information and reusable data	**MURCIA REGIONAL GOVERNMENT** • System of institutional integrity • Promotion of youth participation in designing public policies
VALENCIAN COMMUNITY REGIONAL GOVERNMENT • Valencian strategy of data openness and reuse • Participatory budgets • Construction of a Valencian system of institutional integrity	**ARAGÓN REGIONAL GOVERNMENT** • Programme of collaborative design of services • Easy government • Openkids- Child participation programme • LAAAB Space for democratic innovation • Public policy co-creation processes	**CASTILLA-LA MANCHA REGIONAL GOVERNMENT** • Training programme on transparency and access to information	**CANARY ISLAND REGIONAL GOVERNMENT** • Centralisation of open data of the various public administrations of the Canary Islands • Canary Islands Network of Open Government
NAVARRA REGIONAL GOVERNMENT • Navarra open data • Participation of children and teenagers	**EXTREMADURA REGIONAL GOVERNMENT** • Simplification of the right to access and reduction of response times. • Citizen laboratories for improving the experience in access to public services • Implementation of electronic processing to fulfil obligations regarding conflicts of interests	**BALEARIC ISLANDS REGIONAL GOVERNMENT** • Dissemination and training regarding open government • Approval of the Law on transparency in the Autonomous Regions • Approval of the Decree on organization regarding transparency and the right to access to public information • Technology platform of	**MADRID REGIONAL GOVERNMENT** • Clear and transparent communication

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	• Evaluation and continuous improvement of public services • Simplification of the regulatory framework of open government	citizen participation • Public hearing for the citizenry • Evaluability of government policies through indicators • Improvements in the transparency website and open gov website	
CASTILLA Y LEÓN REGIONAL GOVERNMENT • Catalogue of public information • Approval of the Transparency Law, access to information and its reuse • Normative Footprint	**AUTONOMOUS CITY OF CEUTA** • Integral design of the Transparency Website • Development of the transparency and open government regulations • Specific training for civil servants • Civil society awareness raising seminar		**AUTONOMOUS CITY OF MELILLA** • Training and information about youth participation in the public management
	SPANISH FEDERATION OF MUNICIPALITIES AND PROVINCES • Consolidation and promotion of the network of local entities for transparency and citizen participation		

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[1] *See* the *OGP Handbook* (page 26) to consult guidelines on integrating local communities into an OGP action plan. OGP, *OGP National Handbook: Rules + Guidance for Participants* (Feb. 2021), https://www.opengovpartnership.org/documents/ogp-national-handbook/.

[2] Ministry of Territorial Policy and Public Function, *IV Plan de Gobierno Abierto 2020-2024, España* [Spain's Fourth Open Government Action Plan 2020–2024] (Transparency Portal, General State Administration, 5 Nov. 2020), https://transparencia.gob.es/transparencia/dam/jcr:d306cd62-cc0f-40a1-9be8-fe24eeeee10d/IVPlanGobiernoAbierto-ES_2020-2024.pdf.

[3] *Id*.

[4] "Version para Consejo de Estado: Borrador de Real Decreto por el que se aprueba el reglamento de desarrollo de la Ley 19/2013, de 9 de diciembre, de transparencia, acceso a la información pública y buen gobierno" [Council of State's Version: Draft submitted to the Council of State of Royal Decree, approving the norm of Act 19/2013 on December 9th on transparency, access to public information, and good government] (Transparency Portal and General State Administration, Apr. 2019), https://transparencia.gob.es/transparencia/dam/jcr:1ae91a5a-2b8a-4156-9af4-ec2e741ab75f/32-1_TextoVersion_ConsejodeEstado.pdf.

[5] Access Info Europe, "¿Qué está pasando en España? Ratificación del Convenio del Consejo de Europa, un nuevo Plan de Acción de Gobierno Abierto de 4 años y un nuevo Director del Consejo de Transparencia" [What is happening in Spain? Ratification of the Council of Europe Convention, a new 4-year Open Government Action Plan and a new Director of the Transparency Council] (Access Info, 2 Oct. 2020), https://www.access-info.org/es/blog/2020/10/02/spain-transparency-news/.

[6] ProAccesso Coalition, letter to Carolina Daria (Minister for Land Policy and Public Administration), 27 Apr. 2020, http://libertadinformacion.cc/wp-content/uploads/2020/04/Carta-al-Gobierno-CPA-27042020.pdf.

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[28] *Id*.

[29] Javier Sierra Rodríguez (Universidad de Murcia), interview by IRM researcher, 8 Apr. 2021.

[30] *Id.*

[31] *Id*.

[32] Ministry of Territorial Policy and Public Function, *IV Plan de Gobierno Abierto 2020-2024, España* [Spain's Fourth Open Government Action Plan 2020–2024] (Transparency Portal, General State Administration, 5 Nov. 2020), https://transparencia.gob.es/transparencia/dam/jcr:d306cd62-cc0f-40a1-9be8-fe24eeeee10d/IVPlanGobiernoAbierto-ES_2020-2024.pdf.

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Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as in former IRM reports. It is intended as an independent, quick, technical review of the action plan's strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders, and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising, the IRM follows a filtering and clustering process:

Step 1: Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitment needs to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its "potential for results" should be reviewed as a whole. The clustering process is conducted by IRM staff, following these steps:

a. Determine overarching themes; they may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may refer to the thematic tagging done by OGP.

b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.

c. Organize commitments by clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms or may be standalone and therefore not clustered.

Step 4: Assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review of this product, the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit as needed, interviews and validation with country stakeholders, and sign-off by the IRM's International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on three key indicators for this review:

I. Verifiability

- **Yes/No:** Is the commitment specific enough to review? As written in the action plan, the stated objectives and proposed actions must be sufficiently clear and include objectively verifiable activities to assess implementation.

  Commitments that are not verifiable will be considered "not reviewable" and further assessment will not be carried out.

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II. Does it have an open government lens (Relevance)

This indicator determines if the commitment relates to open government values of transparency, civic participation, or public accountability as defined by the *Open Government Declaration*, the *OGP Articles of Governance*, and by responding to the guiding questions below.

Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the *Articles of Governance*. In addition, the following questions for each OGP value may be used to identify the specific open government lens:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation**: Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability**: Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy, or institutional framework to foster accountability of public officials?

III. Potential for results

Formerly known as the "potential impact" indicator, it was adjusted taking into account feedback from the IRM Refresh consultation with the OGP community. With the new results-oriented focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM results report after implementation. Given the purpose of this action plan review, the assessment of "potential for results" is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** a positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Walter Leiva, an independent researcher, and overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:
- Cesar Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

For more information about the IRM, refer to the "About IRM" section of the OGP website available here.

Annex 1. Commitment-by-Commitment Data

Commitment 1: Reforming regulatory framework on transparency and accountability

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 2: Plan to improve and strengthen transparency and accountability

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 3: Plan to improve participation

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Improved citizen participation (Commitments 3 and 4 of the action plan)
- Potential for results: Substantial

Commitment 3.3: Improving the Open Government Forum

- Verifiable: Yes
- Does it have an open government lens? Yes
- Clustered: No
- Potential for results: Unclear

Action 3.3 was individually assessed, as it has a different goal from the rest of actions of this group. It constitutes a commitment related to the multistakeholder forum.

Commitment 4: Regulatory footprint

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Improved citizen participation (Commitments 3 and 4 of the action plan)
- Potential for results: Substantial

Commitment 5: Systems for public integrity

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Public integrity systems (Commitments 5 and 6 of the action plan)
- Potential for results: Substantial

Commitment 6: Whistleblower protection

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Public integrity systems (Commitments 5 and 6 of the action plan)
- Potential for results: Substantial

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Commitment 7: Open government education and awareness-raising

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Open government education and awareness-raising (Commitments 7, 8, and 9 of the action plan)
- Potential for results: Modest

Commitment 8: Inclusive communication on open government

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Open government education and awareness-raising (Commitments 7, 8, and 9 of the action plan)
- Potential for results: Modest

Commitment 9: Open Government Observatory

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Open government education and awareness-raising (Commitments 7, 8, and 9 of the action plan)
- Potential for results: Modest

Additional Open local government initiatives

Commitment 10: Open government initiatives by autonomous communities and cities and by FEMP. The IRM generally refers to the 53 additional open local government initiatives included in the action plan but assesses them individually.

Editorial notes:

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Spain's 2020–2024 action plan, available at: https://bit.ly/3dkdsLS.

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Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP's Procedural Review Policy, during development of an action plan, OGP participating countries must meet the "involve" level of public influence per the IRM's assessment of the co-creation process.

To determine whether a country falls within the category of "involve" on the spectrum, the IRM assesses different elements from OGP's *Participation and Co-creation Standards*. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitutes the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process;
2. **The forum is multistakeholder:** Both government and civil society participate in it
3. **Reasoned response:** the government or multi-stakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment, or rejection.

The table below summarizes the IRM assessment of the three standards that apply to the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and is not a full assessment of performance under OGP's *Co-creation and Participation Standards*. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the results report.

The co-creation process was highly collaborative and participatory. A previous citizen consultation stage identified 130 citizen proposals. The workshops to assess and prioritize proposals had equal participation and the Open Government Forum stood out for its openness to dialogue and collaborative decision-making.

Table 3. Summary of minimum requirements according to OGP process

OGP Standard	Was the standard met?
A forum exists. On 21 February 2018, order HFP/134/2018 of 15 February came into force, thereby creating the Open Government Forum.[1]	Green
The forum is multistakeholder. The order mandating creation of the forum establishes Article 3 Composition: equal participation of public and civil society representatives.[2]	Green
The government provided a reasoned response on how the public's feedback was used to shape the action plan. The Transparency Portal published assessments of the administration, both for proposals presented by civil society during the consultations and for observations on the action plan.[3]	Green

[1] Ministry of Finance and Public Function, Orden HFP/134/2018, de 15 de febrero, por la que se crea el Foro de Gobierno Abierto [Order HFP/134/2018, of 15 February, by which creates the Forum of Open Government] *State Agency Official State Gazette* (20 Feb. 2018), https://www.boe.es/eli/es/o/2018/02/15/hfp134/con.

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[3] Open Government Forum Plenary, "Participación en el diseño del IV Plan de Gobierno Abierto" [Participation in the design of the IV Open Government Plan] (General State Administration, 29 Oct. 2020), https://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/ivPlanAccion/Como_participo_IV_plan.html.