

# Ireland

## 3<sup>rd</sup> Open Government National Action Plan 2021 – 2023

Round Table members are further developing this national action plan, with the final version to be brought to Government in 2022.



Submitted to the Open Government Partnership,  
Support Unit

22<sup>nd</sup> December 2021





## 1. Introduction

Ireland is committed to the Open Government Partnership process, having renewed its commitment in Dáil Éireann (national parliament) on 16<sup>th</sup> November 2021<sup>1</sup> and in our Minister of State Ossian Smyth's written statement to the Open Government Partnership Global Conference on 7<sup>th</sup> December 2021<sup>2</sup>. But most importantly, Ireland is actively engaged in the Open Government Partnership process and progressing initiatives.

Since late August 2021, there has been a renewed focused effort on reinvigorating and strengthening the Open Government Partnership process in Ireland.

The Programme for Government (2020) commitment to *"continue and reinvigorate participation by the public sector in Open Government Partnership"* has underpinned this drive.

The Independent Reporting Mechanism (IRM) report published at the end of term for Ireland's second action plan in February 2019<sup>3</sup>, provided clear direction that *"moving forward, once the third action plan is developed, priority must be given to establish a permanent group to oversee the plan's implementation, something expected since 2014, which has yet to come to fruition."*

Ireland is pleased to share that the new Open Government Round Table, multi-stakeholder forum, is in place to both develop and monitor the Open Government National Action Plans.

Ireland was deemed to have acted contrary to the Open Government Partnership (OGP) process for two consecutive action plan cycles (i.e. no action plan was submitted within 4 months 31<sup>st</sup> August 2019 and 31<sup>st</sup> August 2020). In line with OGP procedures, Ireland was placed under procedural review in February 2020 by the OGP Criteria and Standards Subcommittee<sup>4</sup>.

Ireland now submits this draft 3<sup>rd</sup> Open Government National Action Plan, with three draft commitments and an indicative list of issues under active consideration by the Round Table, which will be progressed to finalise Ireland's 3<sup>rd</sup> National Action Plan in accordance with the required timelines.

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<sup>1</sup> Source: Official written transcript at <https://www.oireachtas.ie/en/debates/question/2021-11-16/64/?highlight%5B0%5D=56104&highlight%5B1%5D=21> and Dáil Éireann video 16<sup>th</sup> November 2021 at <https://bit.ly/30uTBpE> (start at timeline 7:03:20)

<sup>2</sup> Source: [https://www.opengovpartnership.org/wp-content/uploads/2021/12/Ireland\\_Summit2021\\_20211214\\_Minister-of-State-Ossian-Smyth-Written-Statement.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/12/Ireland_Summit2021_20211214_Minister-of-State-Ossian-Smyth-Written-Statement.pdf)

<sup>3</sup> Source: <https://www.opengovpartnership.org/documents/ireland-end-of-term-report-2016-2018/>

<sup>4</sup> Source: [https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP\\_Articles-of-Governance\\_2019.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf), page 11.

## 2. Key milestones achieved since August 2021

Ireland's pathway to get back on track has been supported by Civil Society and the Open Government Partnership Support Unit. The key milestones below were delivered:

- 1) Open Government Round Table, multi-stakeholder forum, terms of reference [here](#)<sup>5</sup> were co-developed, agreed and published with Civil Society (July 2021).
- 2) Open Government in Ireland website [here](#)<sup>6</sup> was developed as the platform to engage with the public (August/September and ongoing 2021) with ongoing updates (next due January 2022).
- 3) Open Government Citizen's Impact Award application [here](#)<sup>7</sup> (end of September 2021)
- 4) Communications campaign on social media and email to raise awareness of Open Government and to get out the vote for Ireland's entry (intensive one week at end of October 2021).
- 5) Public call for expressions of interest to join the Open Government Round Table, multi-stakeholder forum [here](#)<sup>8</sup> (early November 2021).
- 6) Secretaries General of relevant Departments requested to approve nominees for Public Sector Round Table members (October/November 2021)
- 7) Secretary General of most Departments approved nominees for Open Government coordinators (October / November 2021) to provide a structure to gather the necessary information to provide reasoned responses and coordinate OCED surveys.
- 8) Public call for submissions for the next and future Open Government National Action Plans [here](#)<sup>9</sup> (early November 2021)
- 9) Relevant Programme for Government commitments identified [here](#)<sup>10</sup> and status updates obtained from across Departments (October / November 2021)
- 10) Irish Government statement recommitting to Open Government Partnership principles on the floor of Dáil Éireann, Ireland's national parliament [here](#)<sup>11</sup> (16<sup>th</sup> November 2021).
- 11) 1<sup>st</sup> Open Government Round Table, multi-stakeholder forum, opened by Minister of State Ossian Smyth, TD (29<sup>th</sup> November 2021)
- 12) Initial personalised responses to each submission received in the public call provided by the Secretariat and initial summary circulated to Round Table members (early December 2021)
- 13) Minister of State Ossian Smyth's written statement [here](#)<sup>12</sup> to Open Government Partnership Global Conference 15<sup>th</sup> – 17<sup>th</sup> December 2021 (7<sup>th</sup> December 2021)
- 14) Expedited process to identify, write and agree for publication three draft commitments and an indicative list for submission to the Open Government Partnership (December 2021)
- 15) Ireland's success in the Open Government Citizen's Impact Award (European Region) to be communicated by Minister of State Ossian Smyth in early January 2022 in order to maximise the awareness raising potential of the award and positive impact of this success for all those involved in the Citizens' Assemblies.

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<sup>5</sup> Source: <https://www.gov.ie/pdf/202913/?page=null>

<sup>6</sup> Source: <https://www.gov.ie/en/policy-information/d79a2-open-government-in-ireland/>

<sup>7</sup> Source: <https://www.opengovpartnership.org/open-government-awards/ogp-impact-awards-2021/>

<sup>8</sup> Source: <https://www.gov.ie/en/publication/9a7cf-public-call-for-expressions-of-interest-to-join-the-open-government-round-table/>

<sup>9</sup> Source: <https://www.gov.ie/en/publication/06f43-public-call-for-submissions-for-the-next-and-future-open-government-national-action-plans-oct-2021/>

<sup>10</sup> Source: <https://www.gov.ie/pdf/201587/?page=null>

<sup>11</sup> Source: Official written transcript at <https://www.oireachtas.ie/en/debates/question/2021-11-16/64/?highlight%5B0%5D=56104&highlight%5B1%5D=21> and Dáil Éireann video 16<sup>th</sup> November 2021 at <https://bit.ly/30uTBpE>

(start at timeline 7:03:20)

<sup>12</sup> Source: [https://www.opengovpartnership.org/wp-content/uploads/2021/12/Ireland\\_Summit2021\\_20211214\\_Minister-of-State-Ossian-Smyth-Written-Statement.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/12/Ireland_Summit2021_20211214_Minister-of-State-Ossian-Smyth-Written-Statement.pdf)

### 3. Draft commitments to date (annex 1):

Ireland is active with all of the Round Table members and the Secretariat are fully committed to the imperative to get Ireland back on track. Further to discussions with the OGP Support Unit and OGP IRM Unit on how best to provide tangible evidence for the Open Government Partnership sub-committee that Ireland was active, it was agreed that a draft National Action Plan with three draft commitments and an indicative list of issues be submitted by the deadline. This document is submitted on the basis of the understanding that Ireland's Round Table multi-stakeholder forum will together continue to progress the development and finalisation of the next National Action Plan in accordance with OGP process.

Given the expedited timelines required to get Ireland back on-track for December 2021, the factors influencing the selection of the draft commitments are outlined below and while open and transparent, all parties agree that it would not have the level of deliberative engagement desired.

- (i) To be clearly within scope of the Open Government Partnership values;
- (ii) To reflect previous Independent Review Mechanism feedback;
- (iii) To not just reiterate the high level commitments given elsewhere but spell out in a tangible way how the actions in the commitments are being/will be moved forward;
- (iv) To be drafted and agreed with those who will be implementing the commitments in under one working week; and
- (v) To be enable development to publication standard.

#### The draft commitments are:

- Review of Ireland's Statutory Framework for Ethics in Public Life<sup>13</sup> **page 7**
- Review of Ireland's Freedom of Information (FOI) regime **page 13**
- Review of the operation of the Regulation of Lobbying Act 2015 **page 18**

Refer to annex 1 for details.

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<sup>13</sup> This is a subsequent iteration of a previous national action plan 'star' commitment; it was sought in a submission from the public call and it is a Programme for Government commitment.

## 4. Indicative list of items under active consideration by the Open Government

### **Round Table** (annex 2):

The focus of the Round Table meeting of 19<sup>th</sup> January 2022, will be to deliberate in detail on the indicative list (i) to consider all the proposals, to determine if and how the proposals can be progressed and to provide a reasoned response to the citizens who engaged with the Round Table and (ii) to consider the updates received on the relevant Programme for Government commitments.

Refer to annex 2 for details.

## Annex 1: Draft commitments templates

Open Government 3 <sup>rd</sup> National Action Plan	
Review of Ireland's Statutory Framework for Ethics in Public Life	
Commitment Start and End Date (e.g. 31 August 2021 - 31 August 2023)	
Who do you think would be the lead implementing Government Department(s) / agency (if known and any relevant contact details)	Department of Public Expenditure & Reform (DPER).
Commitment Context	
<i>Objective</i>	A fit-for-purpose, easy to understand and user-friendly legislative framework that contributes positively to the quality and effectiveness of our public governance and by so doing enhances trust and confidence in public officials and democratic institutions.
<i>Status Quo</i>	<p>Under the two previous Open Government National Action Plans, the Public Sector Standards Bill 2015 (PSSB) was being progressed. The PSSB commenced Second Stage in January 2016 and Committee Stage commenced in April 2017. However, the Bill's passage had not been completed when the Dáil was dissolved in advance of the 2020 General Election and it lapsed. The new Programme for Government (2020) includes a commitment to 'reform and consolidate the Ethics in Public Office legislation'.</p> <p>The provisions underpinning Ireland's current statutory framework for ethics in public life are contained in a number of statutes, with separate regimes at national and local levels for disclosure of interests, sanctions, disclosure of donations, and other ethics requirements. At the national level, the Ethics in Public Office Act 1995, amended by the Standards in Public Office Act 2001 (collectively called the Ethics Acts), and associated statutory instruments, provide a legal basis for the operations of the Standards in Public Office Commission and disclosures of interests by Oireachtas members, office-holders and certain other persons within the civil service. It also provides a prohibition on retention of certain gifts. At the local level, the Local Government Act</p>

	2001 - Part 15 - regulates disclosure of interests by local representatives. This legislation is under the auspices of the Minister for Housing, Local Government and Heritage.
<i>Ambition</i>	To review the statutory framework to put forward proposals, including legislative, to further strengthen, modernise, simplify and streamline the statutory framework for ethics in public life with a robust and effective institutional framework for oversight, investigation and enforcement.
<b>Commitment description</b>	
What is the public problem that the commitment will address?	<p>The Annual Reports of the Standard in Public Office Commission (SIPO) detail the Commission’s operation of the ethics regime and contain detailed recommendations for reform of the statutory framework and any progress made on its earlier recommendations.</p> <p>The final report of the Tribunal of Inquiry into certain Planning Matters and Payments (Mahon Tribunal), which was issued in 2012, contains a number of recommendations to address perceived weaknesses in the current system in the area of control and oversight of conflicts of interest. The second report of the Tribunal of Inquiry into certain Payments to Politicians and Related Matters (the Moriarty Tribunal) contains a recommendation on the auditing of the financial affairs of Office Holders by SIPO. These recommendations have not yet been implemented.</p> <p>In 2014, the Council of Europe’s Group of States against Corruption (GRECO) recommended that ‘Ireland should replace the existing ethics framework with a uniform and consolidated values-based normative framework’. Due in part to the lack of progression of the Public Sector Standards Bill, GRECO rated Ireland as “globally unsatisfactory” in June 2018 (GRECO removed this rating in 2020). GRECO continues to re-iterate this recommendation, most recently in November 2020.</p> <p>Instances of further potential gaps in the framework for ethics have become matters of public debate. Relevant recommendations of the Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption (the ‘Hamilton Report’), published</p>



	<p>in December 2020, also fall to be considered in the context of reform of the statutory framework. In particular, the Report notes that delayed implementation of reform would be detrimental to Ireland’s evaluations by the relevant international monitoring bodies and ‘have adverse implications for the State’s anti-corruption regime’.</p>
<p>What is the commitment?</p>	<p>To undertake a comprehensive review of the statutory framework for ethics in public life, which will inform proposals for legislative reform to be brought to Government in 2022.</p>
<p>How will the commitment contribute to solving the public problem?</p>	<p>Recommendations from this review, including legislative, are expected to further strengthen, modernise, simplify and streamline the statutory framework for ethics in public life with a robust and effective institutional framework for oversight, investigation and enforcement.</p> <p>This will enhance public accountability and transparency, strengthening the trust of citizens in democracy and its institutions. Ensuring that conflicts between the public interest and private interests of public officials are regulated correctly, is central to maximising the value generated and contribution made by the public sector. A significant body of international research has established a clear link between the quality of public institutions and long-term economic and social sustainability.</p> <p>Recommendations emerging from the review are to revert to Government, including for legislative reform(s), as appropriate.</p>
<p><i>Describe what the intended impact of successful implementation will be?</i></p>	<p>A modern, fit for purpose legislative framework in this area is important to ensure there is public trust and confidence in public institutions and officeholders and to safeguard Ireland’s reputation.</p> <p>An up-to-date, fit-for-purpose, easy to understand and user-friendly ethical framework will contribute to the quality and efficacy of public administration. Ensuring that conflicts between the public interest and private</p>

	<p>interests of public officials are regulated correctly, is central to maximising the value generated and contribution made by the public sector.</p> <p>Implementing reform in a timely manner is also important in the context of Ireland’s evaluations by the relevant international monitoring bodies and the State’s anti-corruption regime.</p> <p>A significant body of international research has established a clear link between the quality of public institutions and long-term economic and social sustainability.</p>
<p><i>Which Open Government value(s) does your commitment relate to?</i></p>	<p>Values: Public Accountability and Transparency</p> <p>Theme: Anticorruption</p>
<p>Why is (and describe how) this commitment is relevant to the Open Government value(s)?</p>	<p>The statutory review will result in up-to-date evidence based policy and legislative recommendations, shaped by participation of the public via the public consultation and external/internal stakeholders engagement. Subject to the approval of the Government, these will implemented to further enhance the rules, regulations and mechanisms that make up Ireland’s statutory framework for ethics in public life to ensure those in public life and government officials have improved clarity and enhanced oversight, investigation and enforcement.</p>
<p><i>What United Nations Sustainable Development Goal<sup>14</sup> does this commitment relate to<sup>15</sup>?</i></p>	<p><u>Goal 16:</u> Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p> <p><u>Sub-goal 16.6:</u> Develop effective, accountable and transparent institutions at all levels</p>

<sup>14</sup> Refer to the United Nations Sustainable Development Goals at <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

<sup>15</sup> Ireland includes this additional information to further enhance the coordination of policy implementation and it is a requirement under Ireland’s 2<sup>nd</sup> Sustainable Development Goal National Implementation Plan 2021-2023 (draft).

Additional information <i>(if known)</i>	This review will encompass initiatives carried forward from previous Open Government National Action Plans (commitment 3.1 in NAP 1 and commitment 13 in NAP 2) <sup>16</sup> .  This review will further the commitment in the 2020 Programme for Government to ‘reform and consolidate the Ethics in Public Office legislation’.		
<b>Commitment milestones</b>			
Suggested next steps and milestones to guide implementation <i>(Don't forget to capture and detail any public facing element desired; e.g. stakeholder engagement)</i>	Who / What organisation <i>(if known)</i>	When <i>(if known)</i>	Additional info.
Seek agreement of Government for detailed proposals for the Review.	DPER <sup>17</sup>	May 2021 – Sept 2021	
Review of the existing statutory framework for Ethics in Public Life	DPER	May 2021 – End of 2021	
Seek agreement on a public consultation to inform the review.	DPER	Mid Oct 2021 – Early 2022	
Engage with various stakeholders: <ul style="list-style-type: none"> <li>▪ The Dáil and Seanad Committee's on Members Interests;</li> <li>▪ Local government representative bodies (the Association of Irish Local Government and the Local Authority Members Association); and</li> <li>▪ Key stakeholders (e.g. Transparency International Ireland)</li> </ul>	DPER & Oireachtas (legislature)	Initiate at the same time as the public consultation	
The outcome of the Review and public consultation will inform a Memorandum for Government with the proposals to progress implementation.	DPER	2022	

<sup>16</sup> Refer to Open Government in Ireland website at <https://www.gov.ie/en/publication/34125-open-government-national-action-plans-progress-reports-and-reviews/#open-government-national-plan-2016-2018>

<sup>17</sup> Department of Public Expenditure and Reform.

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Special interest and/or policy area of expertise (optional)		
Other Actors Involved	Government Ministries, Department/Agency	<p>The Standards in Public Office Commission (SIPO).            The Department of Housing, Local Government and Heritage, in relation to the Ethical Framework for Local Government set down in Part 15 of the Local Government Act 2001 (as amended).</p> <p>The Department of Justice, with the newly established Advisory Council against Economic Crime and Corruption and the Forum of operational agencies (contributes to the Hamilton Implementation Plan).</p> <p>Local Government Representative Organisations including the Local Government Management Association, the Association of Irish Local Government, the Local Authority Members Association, and the County &amp; City Managers Association.</p> <p>Office of the Attorney General</p>
	CSOs, private sector, multilaterals, working groups	<p>The Council of Europe's Group of States against Corruption (GRECO).</p> <p>Engagement with Civil society organisations including Transparency Ireland, TASC, Irish Council for Civil Liberties, Uplift.</p>

## Open Government 3<sup>rd</sup> National Action Plan

### Review of Ireland's Freedom of Information (FOI) regime

Commitment Start and End Date (e.g. 31 August 2021 - 31 August 2023)

Who do you think would be the lead implementing Government Department(s) / agency (if known and any relevant contact details)

Department of Public Expenditure & Reform (DPER).

#### Commitment Context

*Objective*

This comprehensive review provides an opportunity to further enhance the FOI regime by examining the strengths and weaknesses of the current FOI regime; considering relevant domestic and international developments and major innovations in communication technology.

*Status Quo*

Transparency is a core principle of public administration. The Freedom of Information Act is one of the key mechanisms through which members of the public can access public records in Ireland and one of its key aims is the promotion of transparency and openness in public administration. The first Freedom of Information Act was passed in 1997 and has been updated a number of times. The current legislation came in to force in 2014.

Tens of thousands of requests are made annually under the legislation. In 2019, 41,176 requests were processed. Even in the face of the disruption caused by the pandemic, 32,652 requests were processed in 2020.

The vast majority of FOI requests decided on are granted in full or in part, around four out of every five FOI requests in most years (81% in 2020). Usually, the majority of requests are for personal information (57% in 2020). These types of requests tend to be granted at an even higher rate than the average, and are most often made to bodies such as the HSE, voluntary hospitals, or the Department of Social Protection.

Journalists account for about a quarter of those making FOI requests (23% in 2020), while in most years the largest single grouping of requesters are clients of the public body concerned (50% of requesters in 2020).

	<p>Review mechanisms are available where individuals are unhappy with the FOI decisions they have received. The level of uptake tends to be quite low, with internal reviews sought for about 3% of requests in most years (3.3% in 2020) and an independent review by the Information Commissioner sought in about 1% of cases annually (1.3% in 2020). The role of the Commissioner is to determine whether the FOI decision made by a public body was justified. In most years, the Commissioner tends to uphold the public body's decisions in the majority of decided cases (70% in 2020).</p> <p>In June 2021, the Minister for Public Expenditure and Reform, Mr Michael McGrath TD, announced a comprehensive review of the operation of Freedom of Information (FOI) and the 2014 legislation<sup>18</sup>.</p> <p>It is clear that the FOI system is a vital method for accessing information from public bodies. The focus of this review is to continue and further enhance the FOI operation.</p>
<p><i>Ambition</i></p>	<p>In light of the major innovations in communication technology which have transformed the ways in which individuals and public bodies interact with each other, it is timely to review and seek out ways in which the FOI model can be brought up to date to ensure that it is suitable for today's needs<sup>19</sup>.</p>
<p><b>Commitment description</b></p>	
<p>What is the public problem that the commitment will address?</p>	<p>The ways that people seek, consume and interact with information have been transformed since FOI was introduced in 1997 by the rise of technologies such as the internet. The review will look for ways that the legislation might be brought up to date with these changes.</p> <p>While the annual statistics show that the FOI system as it stands is functioning relatively well, the bare figures cannot alone tell the full story. In carrying out the review, we will seek to engage as broad a range of stakeholders as possible</p>

<sup>18</sup> Freedom of Information Act 2014 is available at <https://www.oireachtas.ie/en/bills/bill/2013/89/>

<sup>19</sup> Refer to press release available at <https://www.gov.ie/en/press-release/a72d5-cabinet-has-approved-plan-for-review-of-the-freedom-of-information-act/>.

	and ensure the scope and direction of the review is driven by these engagements.
What is the commitment?	To undertake a comprehensive review in order to further enhance the Freedom of Information (FOI) regime by examining the strengths and weaknesses of the current FOI regime; considering relevant domestic and international developments and how major innovations in communication technology may need to be reflected.
How will the commitment contribute to solving the public problem?	The comprehensive review will be collaborative in nature and use a number of methods, including a public consultation, to establish how the FOI system is operating, and how it could be made better. A report will be brought to Government and published, which will make recommendations for improvements to the system, including by amending the legislation if required.
<i>Describe what the intended impact of successful implementation will be?</i>	<p>Transparency is a core principle of public administration. The transformational change in terms of operation, culture and ways of working is significant from any recommendations that would be brought forward.</p> <p>As the recommendations have yet to emerge from the process, it is not possible to be specific about the impact. But the impact of previous recommendations on culture and ways of working has been deemed transformative over time<sup>20</sup>. The independent review of the 1<sup>st</sup> Open Government National Action Plan found that the FOI Code of Practice and implementation of the FOI 2013 Act commitments both ranked as ‘major’ in terms of opening government.</p>
<i>Which Open Government value(s) does your commitment relate too?</i>	Value: Transparency
Why is (and describe how) this commitment is relevant to the Open Government value(s)?	It is anticipated that the recommendations to emerge from the comprehensive review, will ensure that more information will be disclosed, improved the quality of the information disclosed, improved accessibility of information to the public and/or enable the right to information.

<sup>20</sup> Refer to the speech by the Ombudsman and Information Commissioner, Peter Tyndall at Public Affairs Ireland - 27th March 2014 available at <https://www.oic.ie/publications/speeches/15-years-on-has-the-foi/>

<p>What United Nations Sustainable Development Goal<sup>21</sup> does this commitment relate too<sup>22</sup>?</p>	<p><u>Goal 16:</u> Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p> <p><u>Sub-goal 16.6:</u> Develop effective, accountable and transparent institutions at all levels</p>		
<p>Additional information (if known)</p>	<p>This review will build on the 1<sup>st</sup> Open Government National Action Plan, commitments 3.2 and 3.3<sup>23</sup> which related to reform of the FOI via the FOI Bill 2013 and establishing of a Code of Practice for FOI.</p>		
<p><b>Commitment milestones</b></p>			
<p>Suggested next steps and milestones to guide implementation (Don't forget to capture and detail any public facing element desired; e.g. stakeholder engagement)</p>	<p>Who / What organisation (if known)</p>	<p>When (if known)</p>	<p>Additional info.</p>
<ul style="list-style-type: none"> <li>▪ Secure Government approval for the review.</li> <li>▪ Publish a roadmap document in the coming weeks, setting out the process and the ways in which interested parties can get involved.</li> </ul>	<p>DPER / Cabinet</p>	<p>Q3 2021</p>	
<ul style="list-style-type: none"> <li>▪ Initial public survey to ensure civic participation informs the scope of the review.</li> <li>▪ Initiate a Customer Satisfaction Survey</li> </ul>	<p>DPER</p>	<p>Q4 2021</p>	
<ul style="list-style-type: none"> <li>▪ Publish consultation paper and seek detailed submissions.</li> <li>▪ Review of international good practice.</li> <li>▪ Regional events to ensure broadest input (if possible given Covid 19 public health guidance).</li> <li>▪ Initiate Cost of FOI project.</li> </ul>	<p>DPER</p>	<p>Q4 2021– Q1 2022</p>	
<ul style="list-style-type: none"> <li>▪ Submissions received will be considered.</li> </ul>	<p>DPER</p>	<p>2022 Q1 –</p>	

<sup>21</sup> Refer to the United Nations Sustainable Development Goals at <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

<sup>22</sup> Ireland includes this additional information to further enhance the coordination of policy implementation and it is a requirement under Ireland's 2<sup>nd</sup> Sustainable Development Goal National Implementation Plan 2021-2023 (draft).

<sup>23</sup> Refer to Open Government in Ireland website at <https://www.gov.ie/en/publication/34125-open-government-national-action-plans-progress-reports-and-reviews/#open-government-national-plan-2016-2018>



<ul style="list-style-type: none"> <li>▪ Consultation with Office of the Information Commissioner and other key stakeholders.</li> <li>▪ Focus groups and interviews as appropriate.</li> <li>▪ Draft the Review Report drawing on all elements of the review process outlined.</li> </ul>			2022 Q2	
<ul style="list-style-type: none"> <li>▪ Review report and recommendations to be submitted to the Minister and to Government (Memorandum)</li> <li>▪ Publish the Review Report.</li> </ul>		DPER	Q3-Q4 2022	
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Special interest and/or policy area of expertise (optional)				
Other Actors Involved	Government Ministries, Department/Agency	Approximately 600 FOI bodies, including Government Ministries and bodies established under statute.		
	CSOs, private sector, multilaterals, working groups	Key sectoral NGOs and advocacy groups working in the area of transparency and related fields.		

## Open Government 3<sup>rd</sup> National Action Plan

### Review of the operation of the Regulation of Lobbying Act 2015

Commitment Start and End Date (e.g. 31 August 2021 - 31 August 2023)

Who do you think would be the lead implementing Government Department(s) / agency (if known and any relevant contact details)

Department of Public Expenditure & Reform (DPER).

#### Commitment Context

*Objective*

To look at how the existing legislative foundation could be enhanced most effectively and efficiently; strengthening weakness which have been identified.

*Status Quo*

The Regulation of Lobbying Act 2015 (the Act) sets the framework to provide transparency to the public on "who is lobbying whom<sup>24</sup> about what". By regulating lobbying activity through registration and reporting requirements, the aim is to strengthen public confidence in politics and in the business of government, to increase the accountability of decision makers and to subject public policy making, and those who seek to influence it, to greater openness, transparency and to the potential for appropriate independent scrutiny.

In light of a specific event<sup>25</sup>, the Taoiseach (Irish Prime Minister) announced on 29<sup>th</sup> September 2020 that section 22 of the Regulation of Lobbying Act 2015 dealing with the cooling-off period for certain elected and public officials would be reviewed.

Also, the opposition introduced two Private Members Bills:

- Regulation of Lobbying (Post-Term Employment as Lobbyist) Bill 2020, introduced in the Dáil 4<sup>th</sup> November 2020 by the Labour Party.
- Regulation of Lobbying (Amendment) Bill 2020, introduced in the Oireachtas (legislature) on the 19<sup>th</sup> November 2020 by the Sinn Féin Party. Second Stage of the Bill took place under Sinn Fein Private Members' time on 24/25 November 2020. An amendment was agreed on

<sup>24</sup> Designated persons are Ministers, Ministers of State, members of the Oireachtas (legislature), MEPs, Local Authority members, special advisers, and senior civil and public servants (specified grades).

<sup>25</sup> Refer to <https://www.irishtimes.com/news/politics/sipo-legislation-to-be-reviewed-following-michael-d-arcy-case-taoiseach-tells-d%C3%A1il-1.4367334>

	<p>the 24<sup>th</sup> November 2020 that the Bill would be deemed to be read a second time in 9 months' time (24<sup>th</sup> August 2021) to allow consideration of the Standards in Public Office (SIPO) recommendations for the wider reform of lobbying, including the provisions of both Private Members Bills.</p> <p>In light of these events, the Minister for Public Expenditure and Reform requested a thorough and comprehensive review of the legislation.</p> <p>Note that the second statutory review of the operation of the Lobbying Act was published in January 2020. Under section 2 of the Lobbying Act, there is a requirement that the operation of the Act be reviewed every 3 years.</p>
<i>Ambition</i>	To undertake a wide review of how the existing legislative foundation could be enhanced most effectively and efficiently; strengthening weakness which have been identified.
<b>Commitment description</b>	
What is the public problem that the commitment will address?	To address the public concerns about the operation of the lobbying Act in relation to the operation of the cooling-off period for certain elected and public officials (section 22 of the Regulation of Lobbying Act 2015).
What is the commitment?	To undertake a wide ranging review of the Regulation of Lobbying Act 2015 to assess the policy, legal and practical implications of a specific event and to undertake a wide review of how the existing legislative foundation could be further enhanced in terms of effectiveness, efficiency and to address any weaknesses that the process surfaces.
How will the commitment contribute to solving the public problem?	The wide ranging review will encompass the operation of the cooling-off period for certain elected and public officials (section 22 of the Regulation of Lobbying Act 2015).
<i>Describe what the intended impact of successful implementation will be?</i>	The wide ranging review will bring forward recommendations, which will then be brought to Government to draft the necessary amendments to the Regulation of Lobbying Act 2015 to commence the legislative process.

<i>Which Open Government value(s) does your commitment relate too?</i>	Value: Public Accountability and Transparency Theme: Anti-corruption		
Why is (and describe how) this commitment is relevant to the Open Government value(s)?	Communication, dialogue and engagement are central to a well-functioning democracy. Interest groups, representative bodies, industry and civil society organisations, NGOs and third party professional lobbyists all provide crucial input and feedback to the political and public administration systems. It is important that this activity is transparent and open to public scrutiny as part of the proper checks and balances which mitigate any attempt to seek to exert undue or improper influence on the conduct of policy formulation, development and decision making.		
<i>What United Nations Sustainable Development Goal<sup>26</sup> does this commitment relate too<sup>27</sup>?</i>	<p><u>Goal 16:</u> Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p> <p><u>Sub-goal 16.6:</u> Develop effective, accountable and transparent institutions at all levels</p>		
Additional information <i>(if known)</i>			
<b>Commitment milestones</b>			
Suggested next steps and milestones to guide implementation <i>(Don't forget to capture and detail any public facing element desired; e.g. stakeholder engagement)</i>	Who / What organisation <i>(if known)</i>	When <i>(if known)</i>	Additional info.
<p>Wide ranging review to involve:</p> <ul style="list-style-type: none"> <li>▪ An assessment of the current operation of key provisions of the Act;</li> <li>▪ An overview of lobbying regulation in other jurisdictions;</li> <li>▪ Consideration of options to address concerns raised and the policy, legal and</li> </ul>	<p>DPER</p> <p>DPER</p>	<p>Q1 – Q2 2021</p> <p>Q2 2021</p> <p>Q2 2021</p>	

<sup>26</sup> Refer to the United Nations Sustainable Development Goals at <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

<sup>27</sup> Ireland includes this additional information to further enhance the coordination of policy implementation and it is a requirement under Ireland's 2<sup>nd</sup> Sustainable Development Goal National Implementation Plan 2021-2023 (draft).

<p>practical implications of different responses;</p> <ul style="list-style-type: none"> <li>and be informed by the concerns and points raised by Deputies in the House and at Committee hearings.</li> </ul>	<p>DPER &amp; Attorney General</p> <p>DPER / Oireachtas committees</p>	Ongoing	
<p>Key stakeholder consultation, including:</p> <ul style="list-style-type: none"> <li>Consultation with, and consideration of, the views of the Standards in Public Office Commission (SIPO);</li> <li>Consultations with the Office of the Attorney General (AG).</li> </ul>	DPER / SIPO / AG	Ongoing throughout the process	
<ul style="list-style-type: none"> <li>Complete a draft review of the Regulation of Lobbying Act and distil evidence based recommendations.</li> </ul>	DPER / Cabinet	Mid Q2 2021	
<ul style="list-style-type: none"> <li>Seek Government approval (Memorandum to Government) to draft the heads of a bill to amend the Regulation of Lobbying Act in line with the review recommendations. <i>(Circulate a draft memorandum in advance to obtain Departmental observations before formally submitting to Government)</i></li> </ul>	DPER / Cabinet / AG	Mid Q2 2021	
<ul style="list-style-type: none"> <li>Draft Heads of a Bill (also called a General Scheme) in accordance with Government approval</li> </ul>	DPER / AG	Q4 2021	
<ul style="list-style-type: none"> <li>Seek Government approval to the General Scheme and to priority drafting by the AGs of the Regulation of Lobbying (Amendment) Bill</li> </ul>	DPER/ Cabinet	Early Q1 2022	
<ul style="list-style-type: none"> <li>Send General Scheme to the Oireachtas Committee on Finance, Public Expenditure and Reform and Taoiseach for pre-legislative scrutiny</li> </ul>	DPER/ Oireachtas (legislature)	Q1 2022	
<ul style="list-style-type: none"> <li>Request Attorney General's Office to commence priority drafting of the Regulation of Lobbying (Amendment) Bill on the basis of the General Scheme</li> </ul>	DPER/ AG	Q1 2022	
<ul style="list-style-type: none"> <li>Seek Government approval to the final text of the Regulation of Lobbying (Amendment) Bill</li> </ul>	DPER/ Cabinet	Q3 2022	

<ul style="list-style-type: none"> <li>Introduction of the Regulation of Lobbying (Amendment) Bill to the Oireachtas and commencement of process of the Bill through all stages in the Oireachtas prior to enactment</li> </ul>		DPER/ Oireachtas (legislature)	Q3 2022	
<b>Contact information</b>				
Lead contact name (required)		Joyce Nolan		
Organisation (if applicable)		Department of Public Expenditure & Reform		
Role title (if applicable)		Assistant Principal Officer		
Email and Phone (required)		<a href="mailto:Joyce.Nolan@per.gov.ie">Joyce.Nolan@per.gov.ie</a> +353 1 604 5486		
Special interest and/or policy area of expertise (optional)				
Other Actors Involved	Government Ministries, Department/Agency	Standards in Public Office Commission (SIPO) Attorney General (AG)		
	CSOs, private sector, multilaterals, working groups	Oireachtas (legislature) and its Committees		

## Annex 2: Indicative list of items under active consideration by the Open Government Round Table

The focus of the Round Table meeting of 19<sup>th</sup> January 2022, will be to deliberate in detail on the indicative list (i) to consider all the proposals, to determine if and how the proposals can be progressed and to provide a reasoned response to the citizens who engaged with the Round Table and (ii) to consider the updates received on the relevant Programme for Government commitments.

#### **A Proposals from the submissions received in the public call**

The submission number assigned is solely for the purpose of identification. Where there are multiple proposals in a submission, this is indicated using the first decimal place (e.g. 2.1; 2.2 etc.)

	<b>Streamlined summary of the proposed action provided by the submitter<sup>28</sup></b>
Submission 1	Proposal seeking to initiate a process to consider the Irish statistical landscape from a policy perspective – what do we know; what do we not know and what do we want to know. The objective being to ensure that in as policy emphasis and focus evolve in response to society/citizens needs that the data is available to underpin evidence informed policy making and also to identify emerging areas of societal concern in social policy.
Submission 2.1	Proposal seeking the educate and support citizens in respect of their rights to a wide array of direct and indirect data relating to environmental issues under the Aarhus Convention
Submission 2.2	Proposal/observation(s) in relation to policy implementation – with a reference to GDPR enforcement.
Submission 2.3	Proposal/observation(s) seeking the involvement of certain 3 <sup>rd</sup> parties on the Round Table.
Submission 2.4	Proposal/observation(s) seeking the inclusion of any relevant Department of Defence Programme for Government commitment(s).
Submission 2.5	Proposal/observations in relation to engagement... with policy to this level is a major challenge for many, making big demands on attention and time...simplifying access to key information and communication channels is important, notwithstanding diverse mind sets and abilities...online challenges flagged...preference for in-person events, if not possible, break-out sessions...and best practice engagement communication example shared.
Submission 3	Proposal seeking to expedite the work of the Disability Matters Oireachtas Committee (legislature) by utilising the existing work undertaken by the Public Participation Networks. A number of reports with provided with the submission.
Submission 4.1	Proposal seeking a commitment to develop and implement a comprehensive, long-term Open Government Strategy if the Open Government Partnership (OGP) commitments and wider systemic reform of transparency [civic participation] and accountability mechanisms are to be embedded effectively across government and the civil and public service.
Submission 4.2	Proposal seeking further enhancements to the statutory duty to make and retain official records, with specific aspects being sought in the submission.
Submission 4.3	Proposal seeking the digitisation and proactive publication of all records held by government departments and non-commercial public bodies, subject to statutory data protection and commercial confidentiality requirements, with specific aspects being sought in the submission.
Submission 4.4	Proposal seeking to create a web-based legislative footprint to allow the public to see the input of difference groups and individuals in shaping laws, involving the cross referencing of information using hyperlinks to returns made by lobbyists recorded on the register of lobbying, as well as published submissions in response to public on the relevant legislation on the relevant Bills and Acts page of the Oireachtas website.
Submission 5	Proposal seeking the amendment of Section 22 of the Electoral Act to limit the scope of its definition of ‘political purposes’ by removing the sweeping inclusion of activities carried out

<sup>28</sup> For the avoidance of any doubt about Ireland’s process, the Round Table members will review the original full text of each submission received as outlined in the public call.

	'in relation to a policy or policies or functions of the Government or any public authority' and limiting the definition specifically to activities carried out in campaigning for a particular outcome in an election or referendum.
Submission 6	Proposal seeking that data on all contract beneficiaries of contracts, loans and grants funded through the European Resilience and Recovery Fund, be published on the Open Data Portal to enable it to be freely used, re-used and shared by anyone for any purpose.
Submission 7	Proposal seeking that a number of Municipal Districts would trial making a portion of the Local Property Tax open for public deliberation on its allocation by a representative random sample of citizens.
Submission 8.1	Proposal seeking the development of an advanced consultation and deliberative engagement policy and standards, with certain specified parameters including adoption of the Gunning Principles, etc.
Submission 8.2	Proposal seeking increased easily accessible information for the public on government actions on the non-binding Citizen Assembly recommendations.
Submission 9	Proposals / observations on how to improve the transparency and accountability of policy consultations.
Submission 10	Proposal seeking to re-introduce The Public Sector Standards Bill (2015) (or equivalent legislation) into the Oireachtas and ensure the timely passage of same. <i>(refer to draft commitment 1)</i>
Submission 11	Proposal seeking a designated match funding facility for the Irish community and voluntary sector for European programmes to enhance drawdown, similar to other EU countries.
Submission 12	Proposal seeking the adoption of a participator governance framework, involving the adoption of a set of regulations to require all government departments and agencies to take a more equitable participatory approach to their dealings with civil society organisations (with the Health Dialogue Forum a suggested model), in fulfilment of the Programme for Government commitment to 'encourage a cooperative approach between public bodies and the community and voluntary sector'.
Submission 13	Proposal seeking to progress the Programme for Government commitment to "introduce a plain language requirement on all public service communication..." with specific aspects being sought in the submission.
Submission 14	Proposal seeking to strengthen data.gov.ie in terms of the openness standard of the PSI licence attached to the catalogue of the data available for those wishing to re-use spatial data.
Submission 15	Proposal seeking environmental data and implementation of the Open Data Directive in relation to environmental data.
Submission 16	Proposal seeking legislation for a non-resident citizens group who would elect specific members of parliament to represent citizens abroad.
Submission 17	Proposal seeking to progress a particular organisation's specific purpose.
Submission 18	Proposal(s) seeking changes in the Public Participation Network structure, including (i) diversity and inclusion training/remit for Local Authorities; (ii) measures and actions across race, age, gender, class etc.; (iii) independent chairs (not council staff/ reps) on committees; etc.

## B Potentially relevant Programme for Government commitments under active consideration:

- Convene a group of experts from the public service, academia, NGOs, and the private sector to guide work on developing new measures of wellbeing and progress.



- Develop a set of wellbeing indices to create a well-rounded, holistic view of how our society is faring.
- Develop a balanced scorecard for each area of public policy, focused on outcomes and the impact that those policies have on individuals and communities. Focus initially on housing, education, and health.
- Progress the establishment of a Citizens' Assembly on Biodiversity.
- Convene a Citizens' Assembly to consider matters relating to drugs use.
- Respond to each recommendation of the Citizens' Assembly on gender equality.
- Informed by the work of the Citizens' Assembly, consider whether there should be a referendum on Article 41.2 of the constitution.
- Establish a Citizens' Assembly on the Future of Education ensuring that the voices of young people and those being educated are central.
- Establish in 2021 a Citizens' Assembly to consider the type of directly elected mayor and local government structures best suited for Dublin.
- Introduce a new system to register Oireachtas (legislature) attendance and to protect the integrity of the expenses system.
- Establish a unit in the Department of the Taoiseach to coordinate social dialogue. It will create new models of sectoral engagement.
- Legislate to require publication of the gender pay gap in large companies.
- Informed by the work of the Citizens' Assembly, hold a referendum on Article 41.2 of the Constitution.
- Act on the recommendations of the Citizens' Assembly on Gender Equality, seeking to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in the workplace, politics, and public life.
- Ensure a comprehensive national consultation with young people, as to how better their voice can be heard and the issues that they want their Government to focus on for their future. Develop a new National Strategy on Children and Young people's Participation in Decision-making 2021-2025.
- Establish a Youth Assembly, with various modules, including ones for rural and urban young people. This Youth Assembly will consider issues of importance to young people and their future, such as climate action, digitalisation, social media and communications, mental health and wellbeing.
- Enshrine disability rights by finalising the legislation required following Ireland's recent ratification of the UN Convention on the Rights of People with Disabilities (UNCRPD). The legislation will: (1) Double the target for employment of people with disabilities in the public service to 6%; (2) Reform the Mental Health Act 2001; (3) Improve protections for people with disabilities against hate crime and hate speech; (4) Improve access for people with disabilities to jury service; (5) Remove outdated references to 'persons of unsound mind' from the Statute Book; (6) Commence the Assisted Decision-Making (Capacity) Act 2015 to abolish wardships; (7) Develop an implementation plan to coordinate implementation of the UNCRPD; (8) Implement a consultation and participation model, in line with the UNCRPD, to enable people with disabilities to participate in the policy development process; (9) Ratify the Optional Protocol to the UNCRPD after the first reporting cycle; (10) Work with other parties in the Oireachtas (legislature) to establish a Joint Oireachtas Committee to assist in monitoring and implementing the provisions in the Convention on the Rights of People with Disabilities (UNCRPD).
- Publish and implement a successor to Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People and will develop mechanisms, through a new youth strategy, for the voice and views of young people to be part of decision-making at community, county and national levels.

- Establish a Rural Youth Assembly, as part of a National Youth Assembly, to allow young people in rural Ireland to identify and influence policy issues that impact on them and their future.
- Fully implement Sustainable, Inclusive and Empowered Communities, the five-year strategy to support the community and voluntary sector in Ireland up to 2024.
- Sustain Community Call as we emerge from COVID-19, and examine the merits of maintaining it on a more permanent footing, as a means of linking the wide range of services and supports available at local level and into an overarching cross-departmental group at national level.
- Update legislative provisions with the Charities Regulator, to ensure that it has the necessary powers to increase trust and confidence in the management and administration of charities.
- Consider the expected Institute of Public Administration review of municipal districts, with a view to strengthening local democracy and identifying local needs and initiatives needed to strengthen and grow our communities, villages and towns in a sustainable manner. This review will examine the addition of directly elected, democratic bodies in such areas and below the municipal district level.
- Build the capacity of local authorities to lead locally and engage citizens on climate change and biodiversity.
- Examine the prospect of devolving more powers to the local authorities through the legislative process to strengthen and enhance local democracy.
- Introduce and implement new anti-corruption and antifraud structures, informed by the forthcoming Hamilton Review.
- Develop a new model of engagement with citizens, sectors, and regions on the transformation to a low-carbon, digital economy as an early priority for Government, building on the learning of recent years. It shall embrace: (1) Dialogue on a structured basis, so that the diverse elements of society can contribute to the process (there will be a specific youth dialogue strand); (2) A process of accountability on progress, including an annual review; and (3) The promotion of citizen, sectoral and regional involvement in delivering actions within their own sphere of influence.
- Support initiatives to improve accountability and transparency across European institutions.
- Ensure that the Land Development Agency is subject to Freedom of Information.
- Expand the Equality Budgeting Programme across government departments and agencies.
- Expand the Equality Budgeting Initiative, looking at outcomes of expenditure, as they relate to people with a disability.
- Reform and consolidate the Ethics in Public Office legislation. *(refer to draft commitment 1)*
- Introduce a plain language requirement for all public service communication, so that people can understand information the first time they read or hear it. Using plain language saves time and money and reduces mistakes and complaints. Consult with NALA.
- Extend the lobbying register so that the lobbying of senior officials in bodies like the Central Bank of Ireland, ComReg, the NTA and the HSE, which have significant policymaking or development functions, will need to be reported on the same basis as central and local Government.
- Use the opportunity of the EU consideration of reforms to European-wide whistleblowing provisions to review, update and reform our whistleblowing legislation and ensure that it remains as effective as possible.
- Continue and reinvigorate participation by the public sector in Open Government Partnership.