

# **Independent Reporting Mechanism**

Denmark  
Co-Creation Brief 2022

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of the fifth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. This brief does not constitute an evaluation of a particular action plan and its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings.

The co-creation brief draws on the results of the research in the [prior IRM reports for Denmark](#), and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as the [OGP Participation and Co-Creation Toolkit](#), [OGP Participation and Co-creation Standards](#), IRM guidance on [online OGP repositories](#), and the [minimum threshold for "involve."](#) to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments, as well as other context-relevant practice in the field of open government. The co-creation brief was reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

This co-creation brief was drafted in March 2022.

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## Section I: Action Plan Co-Creation Process

### Snapshot of previous co-creation processes in Denmark

	Action Plan 1	Action Plan 2	Action Plan 3	Action Plan 4
Iterative dialogue between civil society and government				
Government provides reasoned response				
Civil society could provide input				
Civil society was informed of the plan				
No consultation				

In recent action plans, the Agency for Digitization (AfD) has taken commendable steps to ensure Denmark's compliance with OGP's co-creation standards, most notably by [creating a multistakeholder forum](#) (MSF) ("OGP netværksmødet" in Danish) during the third action plan (2017–2019). At the same time, the IRM [noted](#) a decline in civil society participation during the co-creation of the fourth action plan (2019–2022) compared to past plans. Since awareness of OGP among Danish civil society and in the government remains low, AfD will likely have to take a proactive approach to elicit greater interest in the fifth action plan. Although widening the depth and breadth of participation will be challenging, it could lead to more ambitious commitments that continue to go beyond AfD's existing focus on digitization and open data.

To improve on past co-creation processes, the IRM recommends that AfD bring in fresh perspectives to revive interest in OGP in Denmark, including single-issue stakeholder groups outside the traditional open government space, interested citizens, high-level government officials, and local-level stakeholders. The IRM also recommends building a more robust co-creation process and ensuring Denmark meets the documentation and reporting requirements of the updated [OGP Participation and Co-Creation Standards](#), which took effect in January 2022.

## RECOMMENDATIONS

### Recommendation 1: Target a broader segment of nongovernment stakeholders, including groups with single-issue specialization.

Government and civil society representatives agree on the need for broader civil society engagement in Denmark's OGP process. A notable challenge is that there are few Danish organizations dedicated exclusively to open government and anticorruption. Nevertheless, Denmark's recent action plans included commitments relevant to the wider population, such as access to information on [workplace safety](#) and [daycare facilities](#).

The updated [OGP Participation and Co-creation Standards](#) require OGP members to develop a mechanism to gather input from a "range of stakeholders" during co-creation. To meet this standard and to expand participation more broadly, the IRM recommends reaching out to organizations with a single-issue focus (e.g., healthcare, childcare, environment, algorithms, or trade unions) as well as open co-creation to interested citizens. AfD could start by mapping out possible new members for the MSF or conduct individual stakeholder consultations. If there is interest to include commitments on specific social areas, AfD could identify and invite relevant NGOs to discuss with lead government institutions the scale and scope of these commitments. Once common interests are identified, AfD and the MSF could bring together these groups to brainstorm commitment ideas.

Since new stakeholders will likely be unfamiliar with OGP, the IRM recommends accompanying invitations with adequate background information, presented in a simple manner (e.g., the scope of action plans, the criteria for selecting commitments to include, and importantly, the value proposition explaining how participation in OGP will benefit their work). AfD could consult Finland's experience in [planning outreach to new stakeholder groups](#) while co-creating its 2019–2023 action plan.

### Recommendation 2: Invite high-level government representatives with decision-making authority to take part in the co-creation process.

AfD is situated at a mid-tier coordinating level and there has been limited high-level political engagement since Denmark joined OGP. Moreover, civil society has told the IRM that they want to see Denmark's OGP process receive more attention from politicians and decision-makers in government.

For the fifth action plan, the IRM recommends proactively seeking high-level attendance from relevant ministries during co-creation. The aim of their presence is to increase the visibility of OGP, motivate civil society to be more involved, and introduce high-priority policy areas into the fifth action plan. Direct involvement of high-ranking officials could provide a clearer strategic direction for OGP in Denmark and alleviate past concerns [expressed to the IRM by AfD](#) that the OGP process might duplicate existing work of individual ministries. High-level involvement could also better clarify the anticipated scope of action plans: i.e., what policy areas are realistic for OGP commitments versus what may be too politically challenging.

As an example, government involvement in [Croatia's MSF](#) largely consists of high-level representatives of state authorities, with either decision-making powers or easy access to decision-makers. Formal high-level involvement may be difficult without an official government decree regulating Denmark's MSF. At a minimum, however, AfD could encourage more direct involvement from key ministries, like the Ministry of Finance and the Ministry of Justice, in developing the fifth action plan.

### **Recommendation 3: Seek greater involvement from local-level stakeholders, particularly Local Government Denmark.**

Decision-making power in Denmark is often decentralized and much civic activity takes place locally. As such, the IRM recommends seeking direct participation of municipal and regional level stakeholders in the co-creation of the fifth action plan. In particular, AfD could invite [Local Government Denmark \(KL\)](#)—representing the interests of all Danish municipalities—to become a formal member of the MSF. The umbrella nature of KL makes it a potentially valuable partner, as opposed to engaging individual municipalities. KL's involvement could help ensure that local-level commitments cover as many Danish municipalities as possible.

AfD could follow the example of the Netherlands, where the involvement of the [Association of Netherlands Municipalities](#) (a similar umbrella association like KL) in the OGP process has facilitated ambitious local-level commitments in the [third](#) and [fourth](#) action plans. Two municipal governments and one provincial government are members of the [Dutch MSF](#). Similarly, Estonia's MSF includes the [Association of Estonian Cities and Rural Municipalities](#), which led to strong local-level commitments in the [fourth](#) and [fifth](#) action plans.

### **Recommendation 4: Carry out a robust co-creation process with sufficient time for discussion and opportunities for remote consultations.**

Denmark's MSF [met just once](#) during the co-creation of the fourth action plan in 2019. AfD designated potential topics for broader discussion and then presented these topics to relevant public authorities, who had the option of adding them as commitments. Overall, there has been limited civil society engagement with the government and the online tools such as digitaliser.dk have seen little uptake from stakeholders.

AfD and the MSF could build more opportunities to discuss the content of the fifth action plan. This could include taking advantage of opportunities such as [Open Gov Week](#) to gain interest. Although Danish civil society has previously only commented on government proposals, AfD could encourage civil society to help shape the agenda of discussions, rather than providing them with pre-selected topics for discussion. As the fourth action plan was largely developed over only a one-month period, AfD should allocate more time for developing proposals for the fifth plan and allow for a more substantive discussion around the draft once it is published.

In light of the COVID-19 pandemic, AfD may prefer to organize its principal consultations online, in case stakeholders cannot meet face to face. While the pandemic presents logistical challenges, it also offers opportunities to reach additional stakeholders who may have been unaware of or unable to attend previous in-person events. Recently, the [Netherlands](#) and

[Spain](#) successfully used online tools to conduct deeper consultations that reached beyond the “usual suspects.” OGP also offers [guidance](#) on taking the co-creation process online.

### **Recommendation 5: Ensure complete documentation and reporting around the co-creation process according to OGP Participation and Co-creation Standards.**

In the past two action plans, AfD ensured that Denmark met OGP’s basic requirements for participation and transparency during co-creation. Particularly important steps have been the creation of the MSF and a dedicated [OGP page](#) on AfD’s website. For the fifth action plan, the IRM will assess Denmark’s compliance with the updated [OGP Participation and Co-Creation Standards](#), which took effect in January 2022. It will be important for AfD to publish all relevant information on the co-creation process under the new minimum requirements. These include the basic rules of procedure for the MSF, a timeline and overview of participation opportunities, evidence of the outreach to promote stakeholder involvement, and written feedback to stakeholders on how their contributions were considered.

Since Denmark’s MSF does not currently have a publicly available mandate (remit, membership, governance structure, etc.), the IRM recommends that AfD jointly develop a mandate with MSF members and publish it online. For examples of MSF mandates and compositions, see [Latvia](#) and [Romania](#). In addition, [during fourth action plan](#), AfD provided its reasoning behind the decisions for the action plan in the action plan itself. Moving forward, to meet the new OGP requirements, the IRM recommends that AfD document stakeholder feedback received throughout the co-creation process and provide written reasoned response on the OGP website prior to adopting the final action plan. AfD could use [Finland’s summary of the stakeholder consultations for its 2019–2023 action plan](#) as an example.

## Section II: Action Plan Design

### **AREAS OF OPPORTUNITY FOR COMMITMENTS**

Denmark continues to be a global leader in good governance and anticorruption, though much critical work has taken place outside of OGP. The IRM has found that the main focus of Denmark’s past action plans on open data has limited civil society’s interest in OGP. However, the inclusion of a commitment on [whistle-blower protection](#) in the fourth action plan, for example, demonstrated the possibility of introducing higher-priority policy areas that may interest stakeholders. For the fifth action plan, Denmark could consider commitments that strengthen public trust in the political system and solidify itself as a global leader in important emerging open government areas.

#### **AREA 1. Algorithmic transparency and accountability**

Denmark has already used artificial intelligence (AI) and automated-decision making in various capacities, including [allocation of welfare benefits](#), [early detection of vulnerable children](#), and [predictive policing](#). For the private sector, in 2020, Denmark became the first country in the world to [pass legislation](#) requiring companies in the online space to release information on which algorithms they use and prove that these algorithms adhere to transparency requirements. However, as [reported](#) by the Danish Institute for Human Rights, there is a lack of openness about the use of AI in the public sector’s profiling models.

AfD is well-placed to bring together relevant ministries, independent experts, and human rights groups to jointly develop commitments in the fifth action plan around the ethical and transparent use of algorithms. An ambitious commitment could involve cataloguing all algorithms used by the government in a [public register](#) along with the background data behind algorithm-based decisions. AfD could also involve Denmark’s independent [Data Ethics Council](#) to explore commitments around the ethical dimensions of big data and AI, such as engaging citizens who are effected by algorithm-based decisions as part of algorithmic impact assessments. Lastly, Denmark could join OGP’s informal [Open Algorithms Network](#) to provide

peer learning with other countries implementing reforms on opening algorithms and champion the use of ethical AI in other peer groups, such as the Nordic+ caucus.

Useful resources:

- [Denmark's National Strategy for Artificial Intelligence \(March 2019\)](#)
- Partners that can provide technical support: Villum Foundation and Velux Foundation's [Algorithms, Data, and Democracy](#) project, which has experts from six Danish universities; [Aarhus University Centre for Digitalisation, Big Data and Data Analytics](#)
- Ada Lovelace Institute, AI Now Institute and Open Government Partnership: [Algorithmic Accountability for the Public Sector](#)—an overview of the first wave of reforms on algorithmic accountability and a toolbox of relevant measures
- Finland ([2019–2023](#)), France ([2018–2020](#)), Netherlands ([2018–2020](#) and [2020–2022](#)), and Norway ([2019–2022](#)) are working on this policy area

### AREA 2. Political financing transparency

While Denmark has [introduced legal requirements](#) to address loopholes in political financing, some [noteworthy gaps](#) exist with regard to donor identity and limitations on the amount of individual donations. In line with international best practice from countries such as [Finland](#) and [Norway](#), Denmark could use the fifth action plan to strengthen the legal framework for political financing. Possible commitments could entail publishing sufficient information on donations on a timely basis and in a single portal with accessible and machine-readable data.

In addition, the fifth action plan could seek synergies with Denmark's [Tech for Democracy](#) initiative (created for the US Summit for Democracy), which aims to safeguard the democratic process in the digital space. For example, Denmark could put forward legislation requiring social media platforms to establish transparent procedures for the removal of illegal content. Denmark could also oblige political parties to be more open about the digital instruments they use for elections and political campaigns, such as targeted political advertisements. One example is the Netherlands' [commitment in its 2020–2022 action plan](#) to develop binding rules for political parties around campaigning in the digital space.

Useful resources:

- [Transparency International: Recommendations on political financing for OGP action plans](#)
- [Delna, Transparency International Lithuania, and Open Knowledge Sweden: Open Data and Political Integrity in the Nordic Region \(November 2019\)](#)
- Croatia ([2018–2020](#)), the Netherlands ([2018–2020](#) and [2020–2022](#)), and Romania ([2018–2020](#)) are working on this policy area

### AREA 3. Lobbying transparency

Lobbying is receiving growing attention in Denmark and civil society has pointed to its negative effects on public trust. A recent [study on open data and political integrity](#) recommended that Denmark renew efforts to assess the effects of lobbying in collaboration with the academic community and CSOs. Denmark could use the fifth action plan to take initial steps to establish a lobbying register, by conducting [a preliminary needs](#) assessment in collaboration with experts and CSOs in Denmark. This could take place over several action plans, including possible legislative changes in the long-term after the initial preparatory work on a register.

Useful resources:

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- [International Standards for Lobbying Regulation](#)
- [OGP blog: Common challenges in lobbying transparency](#)
- [Transparency International: Recommendations on Lobbying for OGP Action Plans](#)
- Estonia ([2020-2022](#)), Finland ([2015-2017](#) and [2019-2023](#)), Ireland ([2014-2016](#)), and Latvia ([2019-2021](#)) are working on this policy area
- Partners that can provide technical support: [Transparency International](#)