Independent Reporting Mechanism (IRM): Germany Transitional Results Report 2019–2021

This report was prepared in collaboration with Danny Lämmerhirt, independent researcher

Table of Contents

I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Danny Lämmerhirt to carry out this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology, please visit https://www.opengovpartnership.org/about/independent-reporting-mechanism.

This report covers the implementation of Germany's second action plan for 2019-2021. In 2021, the IRM has implemented a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.[1] The IRM adjusted its Implementation Reports for 2018-2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

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[1] For more information, see: https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/

II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not re-visit the assessments for "Verifiability," "Relevance" or "Potential Impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

Germany's second action plan included 14 commitments. Two commitments were completed, eight were completed to a substantial degree, and four had limited completion. In the first action plan (2017-2019), all 15 commitments were either fully or substantially completed.[1] The high level of implementation during the first action plan was attributed to the fact that many commitments were derived from existing work plans. The completed commitments of the second action plan focused on time-bound participation processes and gathering public inputs for policy development.

Some commitments with substantial completion included improvements to pre-existing technologies and participation formats (Commitments 2, 10, and 13). Others implemented novel initiatives such as laboratories for open government practices (Commitment 1), publishing archival information for the first time (Commitment 2), developing a federal open data strategy and setting up exchanges around open data (Commitment 6) and creating an open source repository in Schleswig-Holstein (Commitment 14). Factors that limited progress for other commitments included unforeseen developments regarding the definition and maintenance of data standards in North Rhine-Westphalia (NRW) (Commitment 10), and changes of responsibility (Commitment 4). Commitment 12 on strengthening data sovereignty in NRW was classified as noteworthy in the Design Report but had limited completion within the action plan's timeframe. This may have been due to the organizational, legal, and technical complexity of the topic (data sovereignty) as well as the absence of best practices for establishing data-sharing mechanisms in German municipalities.[2]

Several commitments led to tangible results in transparency and civic participation. Commitment 2 resulted in the publication of the main archive of the Ministry of Foreign Affairs, laying a foundation for online access to the archive. Commitment 3 led to the participatory development and implementation of the Federal youth strategy whose priorities shall inform future policies. In addition, Commitment 13 saw significant increases in the number of available opportunities and continued citizen engagement in the Free State of Saxony's participation portal. Commitment 8 led to practical improvements to regulations on pension policies and parental allowances. Lastly, Commitment 5 brought about an increase of published International Aid Transparency Initiative (IATI), as well as a revision of data publication practices, which could improve the accessibility and usability of foreign aid data.

Germany's next action plan (2021-2023) builds on some of the successes in open data and civic participation from the second plan. It includes a commitment to bring together civil society and government to regularly discuss how to improve open data in Germany, which builds on Commitment 6 in the second plan.[3] Furthermore, the federal open data strategy under Commitment 6 in the second action plan helped prepare open data priorities covered in the next plan.[4] The continued involvement of Länder (federal states) in Germany's next action plan is also a positive development. For example, NRW will launch a state-wide participation portal, modeled after Saxony's portal under Commitment 13 in the second plan.[5]

2.2. COVID-19 Pandemic impact on implementation

The COVID-19 pandemic primarily impacted the implementation of commitments that revolved around on-site participation formats, methods, and spaces. Some lead institutions either delayed the implementation of certain aspects of their commitments or turned to online formats. Commitment 1 on regional open government laboratories moved networking activities online. Commitment 3, which revolved primarily around events to solicit feedback from young people on the Federal youth strategy, was moved online. The events made use of online workshops, live chats, as well as public documentation of the discussions and responses by the Federal Government to the topics and strategies developed during the event. For Commitment 10, NRW postponed its plan to create Land government space for collaboration between administrations, businesses, and the public, and instead developed digital exchange formats.

Two initiatives are noteworthy examples of collaborations between the federal government, businesses, and civil society. Germany's contact tracing app "Corona-Warn App" was developed to publish its source code for public collaboration on GitHub.[6] The open development process of the app was generally considered a success,[7] but some remarked that updates and public engagement should have been maintained more proactively after launch.[8] Another noteworthy project is the initiative #WirVsVirus (We Versus the Virus)[9] which organized a hackathon and a funding and support program for projects to address the crisis. It was initiated by Tech4Germany, Prototype Fund, Impact Hub Berlin, ProjectTogether, SEND e.V., Initiative D21 and Code for Germany, and implemented by the Federal Chancellery on an ad hoc basis. The hackathons resulted in 51 projects that provided usable solutions to address the pandemic. An assessment by researchers at Hertie School concluded that while the initiative offered potential solutions for the pandemic, it also indicated the need to further develop supporting conditions for open innovation.[10] The initiative was followed by the country-wide "UpdateDeutschland" campaign.[11]

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[1] Open Government Partnership, Germany Implementation Report 2017-2019, https://www.opengovpartnership.org/documents/germany-implementation-report-2017-2019/

[2] According to the government of North Rhine-Westphalia, guidelines on best practices will be completed in the second quarter of 2022, after the implementation period. (Information provided to the IRM by the Federal Chancellery during the pre-publication review of this report, 1 June 2022.

[3] Open Government Partnership, Promotion of knowledge-sharing in the open data environment, 2021, https://www.opengovpartnership.org/members/germany/commitments/DE0035/

[4] See Open Government Partnership, Continued development and enhancement of the government data information platform (VIP), 2021, https://www.opengovpartnership.org/members/germany/commitments/DE0034/ and Open Government Partnership, Standards-based simplification of business access to public procurement, 2021, https://www.opengovpartnership.org/members/germany/commitments/DE0040/

[5] Open Government Partnership, North Rhine-Westphalia II, Online approaches to increase public participation, 2021, https://www.opengovpartnership.org/members/germany/commitments/DE0043/

[6] Germany's Corona-Warn-App, Overview, https://github.com/corona-warn-app

[7] Netzpolitik.org, A lot of things still done right, 15 June 2020, https://netzpolitik.org/2020/vieles-doch-noch-richtig-gemacht/

[8] Netzpolitik.org, Then you somehow lost interest, 16 April 2021, https://netzpolitik.org/2021/bilanz-der-corona-warn-app-dann-hat-man-irgendwie-das-interesse-verloren/

[9] WirVsVirus (We Versus the Virus) https://wirvsvirus.org/

[10] Hertie School, New policy brief evaluates how Open Social Innovation can expedite solutions to urgent public policy problems, 10 March 2021, https://www.hertie-school.org/en/news/detail/content/new-policy-brief-evaluates-how-open-social-innovation-can-expedite-solutions-to-urgent-public-policy-problems

[11] UpdateDeutschland, https://updatedeutschland.org/.

2.3. Early results

The IRM acknowledges that results may not be visible within the two-year time frame of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Transitional Results Report, the IRM will use the "***Did it Open Government?***" (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM Results Reports will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from the implementation of commitments that had an ambitious or strong design, per the IRM Design Report assessment or that may have lacked clarity and/or ambition but had successful implementation with "major" or "outstanding" changes to government practice.[1] Commitments considered for analysis in this section had at least a "substantial" level of implementation, as assessed by the IRM in Section 2.4.[2] While this section provides the analysis of the IRM's findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

Commitment 2: Civil society dialogue on foreign policy	
Aim of the commitment	This commitment aimed to make Germany's foreign policy more accessible and open. To this end, the Federal Foreign Office (FFO) committed to set up a PeaceLab that would expand and deepen citizen engagement in foreign policy-making. In addition, the Federal Foreign Office would further digitize and open its main documentary archive (*Politisches Archiv*) for online access.
Did it open government? **Marginal**	According to publicly available documents, the Federal Foreign Office organized three citizen dialogues as part of its culture and education policies.[3] These were held online and reached gamers as new target groups by collaborating with gaming influencers on Twitch, and two gaming YouTube channels to organize an interview with a former German diplomat.[4] Additional information on citizen dialogues is unavailable in Germany's self-assessment report and elsewhere online. To celebrate its 150th anniversary, the Federal Foreign Office launched a website where it documented its history on a timeline.[5] It also organized a digital conference around the anniversary.[6] According to the self-assessment report, the annual citizens' workshop on foreign policy and regular Open Situation Rooms were not possible for 2020 and 2021 due to the COVID-19 pandemic.[7] The Federal Foreign Office involved civil society in reviewing three policies through the PeaceLab debates: the Federal Foreign Office's crisis guidelines from 2017, to gather input[8] for a new white paper titled "A Multilateralism for the People" published in May 2021,[9] and the third national action plan on "Women, Peace and Security". Additional topics addressed promoting the rule of law, security sector reform, coping with the past, crisis communication 2019/20, and the effects of COVID-19 on crisis prevention. The Federal Foreign Office selected these policies along with the Advisory Board for Crisis Prevention and Peacebuilding,[10] which steered the PeaceLab.[11] The Federal Foreign Office solicited input from the public for these policies through a blog discussion. The public statements from the discussion are publicly available.[12] In total, 274 blogposts were written, mostly by authors

with backgrounds in foreign and public policy (think tanks, parliamentarians, and academic scholars). The list of participants and number of blogposts suggest that outreach was successful in gathering opinions. However, it does not allow for an assessment as to whether the discussion helped diversify or expand public interest in the topics. One factor to determine if participation was enhanced is the level of influence the PeaceLab debates on the individual policy areas. The Federal Foreign Office published a report in 2021 which reviewed the implementation of its crisis guidelines.[13] The report mentions that some proposals from the PeaceLab debates regarding digitization and gender-sensitive responses to the pandemic were adopted in preventative policy-making. However, it gives no information on how the Federal Foreign Office incorporated the feedback into the guidelines. Furthermore, the Advisory Board published a statement on the implementation of the crisis guidelines, mentioning the PeaceLab debates as a tool for gathering expertise from civil society, but did not reference input from the debates explicitly.[14]

This commitment also called for digitizing paper documents and image files from the documentary archive of the Federal Foreign Office. These documents are available as photocopies (so-called "Digitalisate") through the search engine Invenio, a service provided by the Bundesarchiv.[15] Information was added to Invenio from 2020 to early 2021, covering the Third Reich (1933-1945), diplomatic documents of West Germany after 1945, the German Democratic Republic (communist East Germany from 1949-1990), personal notes, manuscripts, and correspondence letters (Nachlässe), personnel files, and ministerial decisions. The archive is publicly available after registration.[16] It provides metadata to all 1.78 million files of the archive and, in some cases, also access to photocopies of the actual documents in web formats and as PDF files. However, so far only about 10% of the files stored in the political archive are available on Invenio as digitized photocopies. A representative of the archive stated that 196,500 of the total 1.78 million files of the archive were digitized by the end of December 2021. The archive focuses on digitizing the "Sachakten" (Files by Topic/Case), which represent the majority of all files. Personnel files (Nachlässe) and the photo collection are not planned to be digitized, with some exceptions. Whether a document will be made available as a digital copy depends on cost considerations of creating digital photocopies, restrictions posed by the Federal Archives Act,[17] data protection law, copyright, trade secrets, protection periods, the conservatory status of the document, and the demand of researchers.

While writing this report, no point of contact in the Federal Foreign Office could describe the process by which feedback from the PeaceLab discussions informed foreign policy, or whether the online archive shall be expanded in the future. The blog-based discussions continued participatory formats that involved professional actors, but the increase in civic participation in foreign policy was marginal. The online archive is a novel accomplishment, though its long-term goal of digitizing all documents exceeds the timeframe of this action plan. While the digitization rate by the end of the action plan period was around 10% of all documents from the archive, the number of digitized documents is expected to increase over time. The current level of availability of historical documents on the Federal Foreign Office represents a marginal improvement to transparency. However, the full digitization of the archive could represent a major improvement to transparency and access to these documents.

Commitment 3. Youth participation in the Federal Government's youth strategy	
Aim of the commitment	This commitment aimed to involve young people in developing and implementing the federal government's youth strategy. Specifically, it called for holding a youth conference in 2020 as an interim review of the design and implementation of the youth strategy, as well as Youth Politics Days in 2021 (JPT21).
Did it open government? **Marginal**	The Federal Government adopted a Cabinet decision on the youth strategy in December 2019.[18] The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) organized the youth conference on 11-12 September 2020 to obtain feedback on the strategy.[19] According to a representative at the BMFSFJ, efforts were made to include young people who are difficult to reach, such as homeless young people or people who fled conflict areas. The conference was organized digitally (due to the COVID-19 pandemic) and involved around 20 workshops, live blogging, live streaming, and chat functions. In keynotes and discussions between high-ranking politicians and young people, attendants could ask questions live and in written form which were taken up in moderated discussions. The BMFSFJ collected and answered questions in a Q&A document that was published on the website of the conference.[20] The questions were taken into the implementation of the youth strategy, specifically in the interministerial youth working group and the design of the JPT21.[21] The JPT21 were held online from 6-9 May 2021, with roughly 500 young people attending. The JPT21 provided five dialogues in which young people could discuss with ministers and Chancellor Angela Merkel topics such as digital policy, a generational dialogue, climate protection, and the crisis of democracy. The BMFSFJ assembled 25 working groups during the event that discussed different parts of the youth strategy and developed roughly 100 different ideas for policies attuned to the needs of young people. The conference debates are documented on YouTube and on a website that shall inform the review of the youth strategy.[22] Overall, this commitment had a positive impact on youth participation in Germany at the end of the action plan period. Two topics articulated during the JPT21 found their way into the coalition agreement of the new German government in fall 2022, namely the continued development of the Federal youth strategy and the lowering of the voting age to 16 years for European and Federal elections.[23] According to the coalition agreement, the implementation of the youth strategy and support for youth participation will continue beyond the action plan. For example, the BMFSF will develop a National Action Plan for Child and Youth Participation, focusing on making standards for effective participation better known and strengthening children and youth parliaments and participation networks.[24] The next federal youth conference is scheduled for September 2022.

Commitment 8. Better regulation through participation and testing	
Aim of the commitment	This commitment aimed to improve the accessibility and user friendliness of laws, as well as the timeliness and inclusivity of public participation in the rule-making process.

Did it open government? **Marginal**	To achieve Milestone 1, the Federal Chancellery designed a strategy to strengthen participation through a mix of support by the Federal Government and the Chancellery, as well as decentralized initiatives by ministries. This strategy was based on a survey on existing participatory practices across ministries.[25] In 2019, the Chancellery put in place a team within the division 613 "better legislation; reduction of bureaucracy" (Referat 613 "Bessere Rechtssetzung, Geschäftsstelle für Bürokratieabbau") to offer strategic advice for ministries and facilitate the exchange of best practices among them. The Chancellery published an internal checklist for employees in ministries, listing success factors of early participation in the rule-making process.[26] To accomplish Milestone 2, division 612 "Citizen-Centered-Government" (Referat 612 wirksam regieren)[27] in the Chancellery organized focus groups, surveys, in-depth interviews, and user tests for different policy areas. Together with citizens and ministries, division 612 worked on projects to foster the use of flexible pensions,[28] to improve knowledge of how to secure online accounts,[29] to reduce the complexity of the digital application process for parental allowance,[30] as well as improvements for a simplified tax form for retired people.[31] According to a representative in the Chancellery, the flexible pension project has shown that knowledge about flexible pension schemes is relatively low in the target group and that many people have reservations to apply for flexible pensions because they consider the resulting deductions from their pension payments to be too high. Other projects resulted in a proposal of a set of tools to help people use more secure passwords, a simplified digital application process for parental allowance,[32] and proposals to further simplify tax forms for retired people.[33] In a project with the Federal Ministry of Justice, division 612 ran a survey to understand common problems citizens have with the understandability of the law.[34] As a result of the flexible pension project in 2021 various online formats for better information about flexible pension schemes were designed and tested with citizens. In 2022 there has been an ongoing trial to test the efficacy of different tools to help people use secure online accounts. The simplified application process for parental allowances was launched in August 2020, and local tax administrations reported that the simplified tax form for retired people reduced information requests. The application process is further refined as part of the Online Accessibility Law (Onlinezugangsgesetz). For Milestone 3, divisions 612 and 613 developed trainings and seven online courses on early involvement in legislation and citizen-centered regulation. 300 employees from various ministries took part in the first training course of division 612, organized to inform the employees of the ministries about methods to foster a citizen-centered government approach. Due to COVID-19, the second course cycle was postponed. These courses will continue in order to expand the scope and usage of current methods for citizen-centered regulations.[35] As part of Milestone 4, the Federal Statistical Office Germany conducted the third Life Situation Survey. It found that citizen satisfaction with the understandability of German laws has declined compared to 2019.[36] In response to the survey, the Chancellery collaborated with ministries to identify topics to analyze further, including how to improve job postings at the employment agency and corporate tax returns. The coalition agreement of Germany's newly formed government stated that the government will improve the understandability of the law and will improve the transparency of

the law-making process.[37] The goal of Milestone 4, the implementation of an electronic Federal Law Gazette, is expected to be finished by 2023. So far, a draft law was published to establish the legal basis for its implementation.[38]

For Milestone 5, the Chancellery has published two webpages[39] listing opportunities for public participation in law-making and linking to existing legislative texts, as well as current opportunities for participation in legislative processes at the federal level, the EU, and the OECD.[40] Both pages link to external websites and are mostly informative and static. Though not a milestone of this commitment, a stand-alone participation portal is planned for 2022, according to the self-assessment report.

The implementation of this commitment suggests continued interest in citizen-centered regulation among leadership and staff within the Chancellery and ministries. However, several key milestones, such as the electronic Federal Law Gazette, have not yet been implemented. Also, while four out of the five planned tests were accomplished in Milestone 2, they did not include regulatory trials to improve understandability. Therefore, the implemented measures reflect incremental improvements and a marginal, but visible uptake of participation formats in regulation.

Commitment 13. Free State of Saxony: Further developing and establishing the participation portal of the Free State of Saxony	
Aim of the commitment	This commitment aimed to further develop the Free State of Saxony's citizen participation portal "Bürgerbeteiligungsportal".[41] Among the planned improvements were applications for formal participation (including in urban planning), collective reporting channels (e.g., for reporting problems with hiking trails), information interoperability, and accessibility standards.
Did it open government? **Marginal**	According to internal statistics, the usage of the portal rose significantly between 2019 and 2021.[42] The number of authorities using the portal rose from 316 in 2018 to 437 in 2021. Likewise, the amount of participation opportunities rose from 1,397 in 2019 to 3,344 in 2021. The number of people participating in these opportunities is not directly comparable due to differences across the specific participation formats.[43] Available metrics for each participation opportunity suggest mixed interest by the public. For instance, some surveys or planning projects attracted several thousand responses, while others attracted significantly less. Nonetheless, the metrics indicate sustained use of the portal. These opportunities included dialogues, procedures, surveys, topical issue reporting procedures, land-use plans, events, and appointments. Surveys saw the most significant growth in numbers (from 210 surveys in 2019 to 1,451 surveys in 2021) suggesting an increased interest among authorities for consultative formats.[44] Other opportunities that grew significantly in number were appointments (from 0 in 2019 to 118 in 2021) and land-use planning procedures (from 861 in 2019 to 1,049 in 2021). The portal can now display "announcement", "decision" and "active" planning stages of land-use planning procedures as an outcome of Milestone 2. All planning pages include forms to contact the municipal building authority which visitors may use when they are affected by a planning decision. Visitors may also leave remarks for plans in the "active" phase which are displayed on the portal. On request by authorities, the development team added new features to the portal. These included expanding the reporting system to cover new

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municipal issues, implementing the Open311 standard to facilitate connections with third parties, and integrating geoservices into the map. Other additions included event management functions for town meetings, functions to manage content, improvements to make the platform more user-friendly and inclusive, and the replacement of Google Maps with the standard "openlayers". In response to COVID-19, the portal developed a feature for scheduling vaccination and testing appointments.

The envisioned app for specialized reporting procedures (Milestone 3) is currently being piloted. To fulfill Milestone 5, several improvements to the portal's accessibility were made, including checking the understandability and navigability of the website and adopting naming conventions for documents. Milestone 4 initially sought to create a stand-alone app that is interoperable with the XPlanung standard. However, the development of this app was postponed to align the development with the roll-out of the Online Access Act.

Overall, this commitment saw a rise in the number of participation opportunities on the portal as well as several new features and functions. According to the platform's own usage metrics, interest from the public for these participation opportunities was mixed. In addition, while the new features may be beneficial to citizens, it is difficult for the IRM to determine the extent to which they have supported greater participation. Therefore, the overall changes to open government practices in Saxony are considered marginal. Nonetheless, North Rhine-Westphalia, Germany's largest state, has launched a state-wide participation portal in the next action plan, using Saxony's portal as a model. This could indicate a greater long-term impact of this commitment on civic participation in Germany more broadly.

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[1] IRM Design Reports identified strong commitments as "**noteworthy commitments**" if they were assessed as verifiable, relevant, and "transformative" potential impact. If no commitments met the potential impact threshold, the IRM selected noteworthy commitments from the commitments with "moderate" potential impact. For the list of Germany's noteworthy commitments, see the Executive Summary of the 2019-2021 IRM Design Report: https://www.opengovpartnership.org/wp-content/uploads/2020/11/Germany_Design_Report_2019-2021_EN.pdf

[2] The following commitments assessed as noteworthy in Germany's IRM Design Report are not included in this section because their limited implementation means there is not enough progress to assess results:

- Commitment 12: North Rhine-Westphalia III: Strengthening data sovereignty

[3] See, 24. Bericht der Bundesregierung zur Auswärtigen Kultur- und Bildungspolitik für das Jahr 2020, p. 60 f.

[4] For YouTube citizen dialogue, 5 December 2020, see, https://www.youtube.com/watch?v=tnxAPoVYj8Q

[5] Federal Foreign Office, 150 years of the Federal Foreign Office, https://150.diplo.de/150-jahre-de

[6] See Federal Foreign Office, 150 years of the Federal Foreign Office in 15 minutes, 4 November 2020, https://www.auswaertiges-amt.de/de/aamt/zugastimaa/tdot-2020/-/2405242

[7] Open Government Germany, Second National Action Plan 2019-2021, p 13, https://www.opengovpartnership.org/wp-content/uploads/2021/10/Germany_End-of-Term_Self-Assessment_2019-2021_EN.pdf

[8] See the debate on multilateralism, 2021, https://peacelab.blog/debatte/weissbuch-multilateralismus

[9] Federal Foreign Office, International cooperation in the 21st century: A multilateralism for the people, 19 May 2021, https://www.auswaertiges-amt.de/en/aussenpolitik/multilateralism-white-paper/2460318

[10] The Advisory Board for Crisis Prevention and Peacebuilding includes research institutions, political foundations, and civil society networks, see, https://peacelab.blog/beirat-zivile-krisenpraevention#%C3%BCber-den-beirat

[11] See the Report Krisen verhindern, Konflikte bewältigen, Frieden fördern - Bericht über die Umsetzung der Leitlinien der Bundesregierung, p. 7 and p. 214.

[12] Contributions can be viewed for each debate separately, see for example, https://peacelab.blog/debatte/weissbuch-multilateralismus

[13] Federal Foreign Office, Implementation of the Federal Government's Guidelines: Preventing crises, managing conflicts, promoting peace, 31 March 2021, https://www.auswaertiges-amt.de/de/aussenpolitik/themen/krisenpraevention/leitlinien-krisen/217444

[14] PeaceLab, Publications of the advisory board, https://peacelab.blog/beirat-zivile-krisenpraevention#publikationen-des-beirats

[15] Political Archive of the Federal Foreign Office, https://archiv.diplo.de/arc-de

[16] One can compare available datasets in 2020 and 2021 through the web archive pages, https://web.archive.org/web/20201026191201/https://archiv.diplo.de/arc-de/digitalisierte-und-einsehbare-bestaende--invenio-/2404424 and https://web.archive.org/web/20210127172856/https://archiv.diplo.de/arc-de/digitalisierte-und-einsehbare-bestaende--invenio-/2404424

[17] Federal Archives Act, 8 May 2019, https://www.bundesarchiv.de/EN/Navigation/Meta/About-us/Legal-Bases/Federal-Archives-Act/federal-archives-act.html

[18] Ministry for Families, Federal Cabinet adopts youth strategy of the Federal Government, 3 December 2019, https://www.bmfsfj.de/bmfsfj/aktuelles/ alle-meldungen/bundeskabinett-beschliesst- jugendstrategie-der-bundesregierung/141990

[19] The youth strategy, 2022, https://www.bundesjugendkonferenz.org/

[20] The Q&A document on the conference website, 2022, https://www.bundesjugendkonferenz.org/

[21] See the Q&A document "Schriftliche Fragen an Bundesjugendministerin Franziska Giffey während der Bundesjugendkonferenz 2020 (11.-12.09.2020)", p. 1

[22] THE JPT21 conference debates, 2021, https://jugendpolitiktage.de/2021

[23] See Mehr Fortschritt Wagen: Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, p. 11

[24] See https://www.kinderrechte.de/beteiligung/starke-kinder-und-jugendparlamente/ueber-die-initiative/.

[25] The strategy is not publicly accessible. The IRM researcher based the assessment of the strategy on statements by a representative of division 613 of the Federal Chancellery as well as the following chapter thematizing the strategy: "Die Bundesregierung stärkt die frühe Beteiligung Betroffener bei der Gesetzgebung und politischen Initiativen", https://www.bipar.de/kursbuch-buergerbeteiligung-4/

[26] The representative of the Federal Chancellery provided this checklist to the IRM researcher internally.

[27] This department exists within the Chancellery since 2015, for more information, https://www.bundesregierung.de/breg-de/themen/wirksam-regieren/arbeitsweise

[28] Federal Government, Citizen-Centred Government, https://www.bundesregierung.de/breg-de/themen/wirksam-regieren/individueller-uebergang-zwischen-arbeitsleben-und-rente-1938682

[29] Federal Government, Citizen-Centred Government, https://www.bundesregierung.de/breg-de/themen/wirksam-regieren/schutz-von-online-konten-1732360

[30] Federal Government, Citizen-Centred Government, https://www.bundesregierung.de/breg-de/themen/wirksam-regieren/elterngelddigital-1596258

[31] Federal Government, Citizen-Centred Government, https://www.bundesregierung.de/breg-de/themen/wirksam-regieren/einfachere-steuererklaerung-fuer-alterseinkuenfte-1734442

[32] The updated application form has been available since August 2020, https://www.elterngeld-digital.de/ams/Elterngeld

[33] According to the representative at the Chancellery, the project was continued as part of the online advisory tool "Steuerlotse Rente", https://www.steuerlotse-rente.de/ where tax forms are currently further improved.

[34] See https://www.bundesregierung.de/breg-en/issues/wirksam-regieren-with-citizens-for-citizens/topics/making-the-law-accessible-317284

[35] Information for Milestone 3 is based on an interview with a representative of the Federal Chancellery.

[36] The survey highlights this point as part of its 10 key insights, 2021, https://www.amtlich-einfach.de/DE/Ergebnisse/Buerger2021/Ueberblick_node.html

[37] See the coalition agreement "Mehr Fortschritt Wagen. Bündnis für Freiheit, Gerechtigkeit, und Nachhaltigkeit", p. 9-10.

[38] Federal Ministry of Justice, Law on the modernization of proclamations and announcements, https://www.bmj.de/SharedDocs/Gesetzgebungsverfahren/DE/Modernisierung_des_Verkuendungs_und_Bekanntmachungswesens.html;jsessionid=1BB1CAE9D805C6370116901CD1952769.2_cid334?nn=6704238

[39] Federal Government, Legislative proposals, https://www.bundesregierung.de/breg-de/service/gesetzesvorhaben/gesetzgebung-wirken-sie-mit-976032

[40] Federal Government, Participation at federal level, https://www.bundesregierung.de/breg-de/service/gesetzgebungsverfahren-beteiligung

[41] Participation portal, Citizen participation in Saxony, https://buergerbeteiligung.sachsen.de/portal/sachsen/startseite

[42] The statistics were made available to the IRM researcher by the point of contact.

[43] For instance, the number of survey participants may differ significantly based on the breadth of the topic. Likewise, metrics of participation are difficult to compare across each participation format, due to the methodological differences and the different topical focus points they have.

[44] Several of the currently ongoing surveys (February 2022) count more than 100 participants. A scan of the available surveys suggests that people have an interest in these surveys.

2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	Completion:
	(no evidence available, not started, limited, substantial or complete)
1. Regional Open Government Labs	**Substantial:** This commitment aimed to establish regional open government laboratories (regOGLs) to support projects by local governments, civil society, and the business sector. The Federal Ministry of the Interior and Community (BMI) organized a two-staged application for regions who were eligible to apply.[1] BMI selected 13 regions that are currently working as regOGLs on 24 projects, involving more than 100 municipalities, regional associations, non-profit organizations, and CSOs.[2] However, the 13 regOGLs fell short of the expected 16, so the IRM considers the commitment substantially completed. The regOGLs communicated their activities through a website,[3] and through their own local networks, publications, and connections to the funding program *Region gestalten*. Among the activities implemented by the regOGLs were the open-source participation platform CONSUL[4] (Bad Belzig), the platform Digitales Gemeindehaus (Digital Community Hall) for local communication[5] (Bad Engbach), the participation app Democy, a citizen panel on urban planning, or a sub-page on North Rhine-Westphalia's participation portal (Merzenich and Kerpen).[6] Another noteworthy project was the COVID-19 case tracker developed by the OK Lab Fläming.[7] For Milestone 4, the regOGLs organized a digital conference to review lessons learned. A resulting interim report states that the regOGLs primarily serve as learning spaces for opening government at the municipal level, with lessons and tools for future replication.[8] Logic models for municipal open government were developed to document hypotheses for what kinds of activities can open government. According to the government point of contact, these hypotheses shall be made public so they can be tested by other regions. According to the point of contact at BMI, the regOGLs have reflected on how to sustain and replicate their activities, as well as the required structures to do so. The organizational culture and limited resources were seen by the regOGLs as the most common impediments to implement open government processes. Some examples of sustained work include the "Netzwerk der Verwaltungsrebellen" (Network of Administrative Rebels), which will be managed after the end of the funding period by the regional association Ruhr[9] as well as the regOGL of Bad Belzig. Similar to the Model Communities of Germany's first action plan, this commitment has created conditions for sustained implementation, such as through organizations or strategies that can help the regOGL continue. Continuing the existing initiatives could have different effects on participation in local decision-making. These could range from providing information services to soliciting public opinions through discussion fora on municipal topics. The activities of the Network of Administrative Rebels could contribute to changing the organizational culture within

	municipal administrations by providing networking opportunities and helping to exchange agile and iterative design methods that could shape public services.
2. Civil society dialogue on foreign policy	**Substantial:** For details regarding the implementation and early results of this commitment, see Section 2.3.
3. Youth participation in the Federal Government's youth strategy	**Complete:** For details regarding the implementation and early results of this commitment, see Section 2.3.
4 Establishment of an e-government agency as a Digital Innovation Team of the federal administration	**Limited:** The commitment planned to set up a Digital Innovation Team to make federal administrative practice more open and innovative. According to the end-of-term self-assessment report, the roll-out of the Digital Innovation Team was delayed due to a transfer in April 2021 of the project group leading on the work to BMI's new Digital Innovation and Transformation Division.[10] This division will eventually take on the work originally envisioned under the Digital Innovation Team. Therefore, while some preliminary work for this commitment was carried out, its outcomes are not publicly available at the time of writing this report.
5. Promotion of transparency and participation in development cooperation	**Substantial:** This commitment aimed to further expand the quality and scope of data on Germany's international aid. It envisioned a data-use concept, various training formats, strategic initiatives to enhance International Aid Transparency Initiative (IATI) publication, and a system to test and improve data quality and usability. The Federal Ministry of Economic Cooperation and Development (BMZ) significantly increased the amount of available IATI data between 2019 and the end of 2021. During this period, the number of datasets for individual projects published via the IATI Registry onto the d-portal tripled from 9,000 to roughly 27,000 projects.[11] BMZ created a use concept for IATI data and consulted relevant CSOs to identify user needs. Based on the concept, BMZ is developing a IATI Transparency Portal to improve the use of BMZ's IATI data. The portal will offer an overview of the large number of different BMZ projects.[12] BMZ considers this tool key to making machine-readable datasets that are currently published on its website more user-friendly and searchable, i.e., by making data files downloadable in various user-friendly formats and searchable by sector, country, and project.[13] The BMZ contact said that this work will help employees at BMZ and the associated institutions, parliamentarians, and journalists who are not familiar with which existing portals to retrieve data from, or their data formats. Stakeholders from governments and civil society in partner countries are also central target groups of the IATI data. An interviewed civil society stakeholder argued that existing IATI tools already provide several of these functionalities, such as the filtering of data by sector and country.[14] This interviewee also stated that people working in countries receiving aid are likely to need data from multiple donors in standardized formats. Therefore, this stakeholder emphasized that BMZ could continue the positive work from this commitment by providing more data fields and increasing the level of

disaggregation (geographical and temporal) of available data fields, particularly financial data. The interviewed point of contact stated that new data fields were implemented such as for co-financing partners, document links, organization identifiers and organization types, if available. These changes shall be reflected in GIZ's and KfW's scores of the upcoming Aid Transparency Index. According to BMZ, the new portal will compliment, rather than duplicate, existing tools by allowing the possibility to download every IATI element for the individual selection of projects of data users in XML. It will also be possible to easily download a range of information in PDF or CSV formats. Moreover, it will contain contextual information on German development cooperation, e.g., by specifying IATI-data contents in its FAQ as well as in a glossary.[15]

According to the BMZ point of contact, BMZ has developed an internal data quality assurance system. A team contracted by the BMZ assesses the datasets received from implementing agencies and partner non-governmental organizations whenever they receive external inquiries and feedback pertaining to data's completeness and their understandability. If this team detects inconsistencies or gaps in the data, BMZ corrects these in earlier data processing stages with its implementing agencies. Feedback pertaining to data processing stages is not considered to be opened to the public on the grounds that requests would be too context-specific and because the feedback considers internal data processing stages. The point of contact stated that the quality assurance system has helped to identify issues regarding their structure and completeness. However, this claim could not be verified as the quality assurance system is not open to the public. According to the government point of contact, training programs were carried out with the umbrella organization of development and humanitarian NGOs (VENRO).

Because the interviewed point of contact considered the visualization tool to be a crucial improvement of the way BMZ visualizes data, the future development of the transparency portal may have a positive impact on transparency of data on foreign aid. During the action plan period, BMZ has tripled the number of datasets for individual projects published via the IATI Registry onto the d-portal tripled. According to BMZ, BMZ will likely improve its 2022 Aid Transparency Index score, with preliminary results showing an increase in 6.95 percentage points compared to 2020. This would continue Germany's positive work, as documented in earlier editions of the Aid Transparency Index.[16] However, because the development of the BMZ visualization portal remains ongoing at the time of writing this report, the improvements of this commitment to the presentation of IATI data have been marginal thus far.

6. Further development and promotion of the open data environment	**Substantial:** The commitment aimed to support a more public-focused orientation in how authorities handle data obtained through their duties. BMI released a Federal Open Data Strategy in September 2021.[17] The strategy addresses several key areas in need of open data in Germany.[18] Prior to its release, the public could provide input. BMI organized a public consultation from 28 February to 3 April 2020 on where Germany needed to improve its open data practices.[19] The Open Data Competence Centre (CCOD) organized a BarCamp session in November 2019 to solicit feedback from civil society on developing data standards, supporting municipalities, and creating a data catalog.[20]

	According to the Federal Chancellery's mid-term self-assessment report, Open Knowledge Foundation Germany assessed the public consultation on the Federal Open Data Strategy as a positive development.[21] However, no draft of the strategy was available during the consultation. The subsequently finalized strategy laid out the publication of key data (e.g., on procurement and its associated statistics), organizational changes like creating open data coordinators within ministries, and investment in training. Several points were integrated in Germany's next action plan (2021-2023), including publishing procurement data and creating a register for public sector information publishable as open data.[22] Germany also joined the International Open Data Charter in September 2021 to increase external visibility for data legislation.[23] For example, an announcement blogpost argues that the addition of paragraph 12a to Germany's E-Government Act in 2021 had established the "open by default" principle by broadening requirements for open data publication to nearly all German Federal ministries. Yet, critics have pointed out that there are no legal claims to opening up data.[24]
	As part of this commitment, the CCOD facilitated exchanges among open data stakeholders. The CCOD organized the first open data conference in October 2020 to identify topics for additional fora in 2021.[25] Three fora were held in 2021 around standardization, data catalogs, and training, one of which was held within the implementation period (10 May 2021).[26] Aside from the fora, the CCOD has a mandate to facilitate interactions between data users and publishers and to inform administrations about open data publication. How this will improve data publication is at the discretion of the respective ministries. The CCOD also supports knowledge sharing through a website which lists possible data-use cases.[27]
7. Participatory process to develop research and innovation policy in the framework of the 2025 High-Tech Strategy	**Complete:** This commitment aimed to expand and deepen stakeholder and citizen participation in the development of Germany's High-Tech Strategy 2025 (HTS 2025). The Federal Ministry of Education and Research (BMBF) initiated seven "regional dialogues" to involve traditional as well as new stakeholders in the development of topics related to the HTS 2025.[28] Regional dialogues generally included preparatory interviews with stakeholders, an accompanying online discussion, a conference for "innovation stakeholders" (*Akteurskonferenz*), and a concluding reflection workshop.[29] The online discussions were open to everyone.[30] 185 people participated in the conferences. The topics of each regional dialogue were determined according to characteristics and preferences of the corresponding regional innovation system and resulted in the formulation of core messages for the development of the HTS 2025. The results of the consultation process were published online, but no public information is available on how the core messages have been taken up.[31] According to a representative of the BMBF, the core messages were discussed with representatives of the regional dialogues and different ministries, as well as at a meeting of the Hightech-Forum (the central advisory body for the HTS 2025) and the round of secretaries of state.
8. Better regulation through	**Substantial:** For details regarding the implementation and early results of this commitment, see Section 2.3.

participation and testing	
9. Smarte LandRegion	**Limited:**
	This commitment aimed to implement the "SmarteLandRegionen" initiative, which would support digital services in seven pilot districts and build a knowledge-sharing platform for rural districts. The digital services would address healthcare, mobility, education and work, and volunteering work.
	The Federal Ministry of Food and Agriculture (BMEL) selected the seven pilot district projects.[32] According to a representative of the BMEL, the districts were selected based on their geographic distribution and diversity of digital services addressed, the coherence of their project, as well as their sustainability. The services will be developed in stages, initially focusing on education and employment in 2022, though the IRM was unable to verify precisely when this commitment is due to end. The platform shall be gradually opened for other districts. Until then, customized instances of the open source platform CONSUL (originally developed for Madrid's city government) are available for participating districts to create overviews of participation opportunities, provide information, and organize surveys on district topics.[33] To date, the district of Vorpommern-Greifswald has begun using the tool for surveys, votes on ideas, and communicating updates on project developments.[34]
10. North Rhine-Westphalia 1: Developing infrastructure and framework conditions for open government in NRW	**Substantial:**
	This commitment aimed to standardize transparency and open data practices in North Rhine-Westphalia (NRW). Specifically, it would expand the use of the OParl,[35] Open311,[36] XErleben,[37] and OffenerHaushalt[38] data standards among Länder and municipal authorities.
	Implementation of the three commitments for NRW (Commitments 10, 11, and 12) were overseen by an open government working group that included state and local government representatives as well as civil society and businesses.[39] In a decision of 10 June 2020, the working group recommended the OParl data standard, as well as the Open311 and XErleben for use across municipalities in NRW.[40] The OParl Standard (Milestone 1) is ready for implementation, but there is currently no infrastructure to publish and access data.[41] According to the government point of contact, OpenNRW assesses different support strategies such as funding or maintenance of a portal by the administration. For Milestone 2, the data standard OffenerHaushalt (Open Budgets) is not actively maintained.[42] According to the government point of contact, deliberations are under way as to whether an existing data portal solution may be used and what resources would be needed to do so.
	The metadata portal OpenNRW was relaunched in December 2019 to include more editorial content and help administrative bodies on the Länder-level[43] and municipalities[44] publish data on the portal. As of February 2022, 5,189 datasets were published, and 17 additional municipalities have begun publishing data on the portal. OpenNRW also enables municipalities to adopt the Open311 standard. NRW used this commitment to expand an existing data catalog prototype (Milestone 7) to cover all open data that municipalities publish on OpenNRW. The data

	catalog provided an overview of what open data municipalities are currently publishing.[45] The open government label (Milestone 8) was not developed but will be pursued in the future, according to the government point of contact.
11. North Rhine-Westphalia 11: Creating spaces for exchange and cooperation in NRW	**Limited:** This commitment aimed to create a shared physical space for start-ups, administration, and civil society to develop GovTech applications. Due to COVID-19, the activities were reorganized. Instead of establishing a physical space, NRW's state administrations participated in the country-wide UpdateDeutschland hackathon, organized by the agency "Project Together."[46] The planned GovTech challenge (Milestone 2) was postponed. Instead, NRW's state administrations organized nine challenges for the UpdateDeutschland hackathon.[47] According to the NRW government, valuable contacts between the government and start-ups were made during UpdateDeutschland, and public sector employees gained insights on the importance of open and innovative processes.[48] NRW also organized the local hackathon UpdateNRW, involving start-ups, members of civil society, and state administrations.[49] After the end of the action plan period, NRW launched its own state GovTech competition on 21 June 2022.[50]
12. North Rhine-Westphalia III: Strengthening data sovereignty in NRW	**Limited:** The commitment aimed to identify and address challenges for public administrations regarding data sovereignty in NRW. Data sovereignty pertains to access to and control by public administrations over the data that it generates during governmental functions. To accomplish Milestone 1, the Association of German Cities, the German Association of Towns and Municipalities, the German Association of Local Public Utilities, and the city of Bonn commissioned a study on the current knowledge of municipalities, municipal companies, and regional businesses across Germany regarding data-sharing policies, as well as existing implementation practices.[51] The report identified a general lack of knowledge among municipalities, several potential legal conflicts for public businesses, and regulatory gaps for data-sharing policies between municipalities and specific companies such as mobility service providers.[52] The report recommended developing model clauses for data sharing and data-use specifications across cities, as well as increasing coordination through bodies like the Association of German Cities. In preparation for Milestones 2 and 3, the cities of Bonn and Münster have begun developing publicly accessible data-use specifications that other cities may include in their procurement contracts.[53] They solicited public feedback on the specifications and released their first draft via GitHub. At the time of writing this report, NRW was still developing official guidelines on ensuring administrative authorities' data ownership and data sovereignty. The guidelines are expected to be published in the second quarter of 2022 and could have important implications for the procurement of technologies in cities. In the meantime, the model data clauses have been recommended to all members by the umbrella association of municipal IT service providers (KDN).[54]
13. Free State of Saxony: Further	**Substantial:**

develop and establish the participation portal of the Free State of Saxony	For details regarding the implementation and early results of this commitment, see Section 2.3.
14. Schleswig-Holstein: Open-source software in public administrations	**Substantial:** The commitment aimed to promote the use of open-source software across the public administration in Schleswig-Holstein. It called for creating an online platform where the state will publish the software that it has commissioned. The Ministry of Energy, Agriculture, the Environment, Nature and Digitalization created a publicly available open source code repository to fulfill Milestone 1.[55] Based on the site statistics and registered usernames, the portal is used by a few staff members inside the administration of Schleswig-Holstein. Some code is made available on the portal by external service providers and the association of IT Schleswig-Holstein (IT-Verbund SH). The public can currently only view code. According to the government point of contact, the ministry is considering allowing the public to write posts on the repository that track bugs, enhancements, or other requests and allow copying of entire repositories. The point of contact said that it is currently not decided if forking and pull-requests will be implemented since members of civil society who the administration spoke to said they prefer software development on their own local systems without public interaction. According to the interviewed point of contact, the pilot projects for the use of open source software (LibreOffice) in administrations (Milestone 2) were accomplished. These included making the electronic file (E-Akte[56]) that is used by Schleswig-Holstein compatible with OpenDocument Formats, and creating document templates for E-Akte that use LibreOffice. The responsible minister suggested in a public interview that the shift to open-source software shall be finished by 2026.[57] For Milestones 3 and 4, so far source code of five specialized applications was published, including program code for the Open-Data-Portal Schleswig-Holstein, the transparency portal (Transparenzportal) Schleswig-Holstein,[58] an appointment finder, the service KSH-Recht,[59] and design-system.sh.[60] This includes, among others, harvesters of data sources for the German open data portal GovData, an uploader program for obtaining DCAT-compliant metadata (the common German metadata model for exchanging open administrative data). It also includes Metadata Quality Analysis (MQA), a Python library for quality checks on GovData's metadata, as well as applications for harvesting data and for collecting data from municipalities. These programs were published primarily because their open licensing status was cleared before the commitment was implemented.

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kommunen.de/ilias.php?ref_id=94&cmd=render&cmdClass=ilrepositorygui&cmdNode=ww&baseClass=ilrepositorygui

[3] Municipal Open Government, https://open-government-kommunen.de/ilias.php?baseClass=ilrepositorygui&reloadpublic=1&cmd=frameset&ref_id=1

[4] Bad Belzig, Shaping Bad Belzig together, https://beteiligung.bad-belzig.de/

[5] Digital Meetinghouse, https://gemeindehaus.digital

[6] Citizen participation in Merzenich, https://beteiligung.nrw.de/portal/merzenich/startseite

[7] Covid-Quick-Check, https://covid-plz-check.de

[8] See the commitment's "Interim Report: Municipal Open Government in the Lab", https://open-government-kommunen.de/ilias.php?baseClass=ilrepositorygui&reloadpublic=1&cmd=frameset&ref_id=1

[9] Regional Open Government, News and reports from laboratory work, 8 February 2022, https://open-government-kommunen.de/ilias.php?ref_id=211&bmn=2022-02&blpg=79&cmd=previewFullscreen&cmdClass=ilblogpostinggui&cmdNode=ww:l6:48&baseClass=ilrepositorygui

[10] Open Government Germany, Second National Action Plan 2019-2021, p 15, https://www.opengovpartnership.org/wp-content/uploads/2021/10/Germany_End-of-Term_Self-Assessment_2019-2021_EN.pdf

[11] All published datasets can be found at d-portal, https://d-portal.org/ctrack.html?reporting_ref=DE-1#view=main

[12] BMZ, tender fort he data visualization tool, https://ted.europa.eu/udl?uri=TED:NOTICE:356826-2021:TEXT:DE:HTML

[13] For an example, see, https://teamwork.bmz.de/pub/bscw.cgi/d2115585/DE-1-BMZ-298.xml

[14] One example mentioned was the website https://countrydata.iatistandard.org/, which provides tabular aid data for multiple donors by country.

[15] Information provided to the IRM by BMZ during the pre-publication review of this report, 1 June 2022.

[16] The Aid Transparency Index shows that the BMZ and its implementation partners Kreditanstalt für Wiederaufbau (KfW) and Gesellschaft für internationale Zusammenarbeit (GIZ) improved their overall score in 2020. Data for the index was gathered between December 2019 and April 2020. Results for BMZ-KfW, https://www.publishwhatyoufund.org/the-index/2020/germany-bmz-kfw/, and results for BMZ-GIZ, https://www.publishwhatyoufund.org/the-index/2020/germany-bmz-giz/

[17] Federal Ministry of Interior and Home Affairs, Cabinet adopts Federal Government's Open Data Strategy, 7 July 2021, https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2021/07/open-data-strategie-der-bundesregierung.html

[18] See: Erster Bericht der Bundesregierung über die Fortschritte bei der Bereitstellung von Daten, 30 December 2020, https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/moderne-verwaltung/erster-fortschrittsbericht-open-data.html

[19] The results of the public feedback, https://www.bundesregierung.de/breg-de/themen/digitalisierung/konsultation-datenstrategie-1761664

[20] Notes from the barcamp meeting, https://barcamps.eu/oknrw19/events/ffa30bc9-3c29-4903-9bc0-0194c1d20f43/open_data_strategien_der_bundesregierung

[21] The statement, https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/berichtswesen-1591026

[22] See commitments, https://www.opengovpartnership.org/members/germany/commitments/DE0034/ and https://www.opengovpartnership.org/members/germany/commitments/DE0040/

[23] Open Data Charter, From strategy to principles: Germany's Federal Government adopts the international open data charter, 16 September 2021, https://medium.com/opendatacharter/from-strategy-to-principles-germanys-federal-government-adopts-the-international-open-data-370cd38a3fc0

[24] The coalition agreement of the new German government also seeks to establish such legal claims. See, https://blog.wikimedia.de/2022/03/17/rechtsanspruch-auf-open-data-jetzt-muss-es-endlich-losgehen/

[25] Data literacy for public administration, https://www.bva.bund.de/SharedDocs/Kurzmeldungen/DE/Behoerden/Beratung/OpenData/Aktuelles/2021/241124_VoBi_FFTrainings.html

[26] The first expert forum in 2021 comes to an end, https://www.bva.bund.de/SharedDocs/Kurzmeldungen/DE/Behoerden/Beratung/OpenData/Aktuelles/2021/210526_NaBi_FFMDK.html

[27] Open Data Use Cases, https://www.bva.bund.de/DE/Services/Behoerden/Beratung/Beratungszentrum/OpenData/Use_Cases/use_cases_node.html

[28] Information on the participation process as well as the resulting core messages, https://www.mitmachen-hts.de/informationen.html

[29] Based on the results reports available online, this could include different actors per region, such as politicians, business representatives, actors working in the education sector, and citizen scientists as in the example of Osnabrück.

[30] The results of online discussions, https://www.mitmachen-hts.de/dialoge.html

[31] Hightech Strategie 2025, https://www.mitmachen-hts.de/faq/was-passiert-mit-meinen-beitraegen.html

[32] Smarte.Lande.Regionen, https://www.landkreise.digital/index.php/landkreise/

[33] Compared to the basic functions of CONSUL, the customized instances are limited in their functions that serve informative or consultative purposes. See also, https://www.landkreise.digital/index.php/2021/08/04/buergerbeteiligung-mit-consul/#_ftn3

[34] The district of Vorpommern-Greifswald, Mobility, https://vg.landkreise.digital/legislation/processes/18/proposals

[35] OParl, https://oparl.org/

[36] Open311, "GeoReport v2 Servers", http://wiki.open311.org/GeoReport_v2/Servers/

[37] XErleben data exchange, http://www.xerleben.de/

[38] Search by state on Offener Hauhalt, "Haushaltsdaten einfach verständlich präsentieren" [Present household data in an easily understandable way], https://www.haushaltssteuerung.de/akteure-offene-haushalte.html

[39] OpenNRW, A joint project of the state and municipalities, https://open.nrw/open-government/der-arbeitskreis

[40] The decision was not published but was available to the IRM researcher.

[41] The website https://politik-bei-uns.de/ has published parliamentary data but it is currently not actively maintained.

[42] The portal for Offener Hauhalt indicates that it is no longer in service, https://offenerhaushalt.de/page/mitmachen.html

[43] OpenNRW portal,Lander level, https://www.wirtschaft.nrw/pressemitteilung/neustart-des-opennrw-portals-alle-open-government-aktivitaeten-auf-einen-blick

[44] OpenNRW, Support for municipalities, https://open.nrw/unterstuetzung/fuer-kommunen

[45] OpenNRW, Which data is published by municipalities as open data? 16 April 2020, https://open.nrw/musterdatenkatalog

[46] Update Deutschland, 2021, https://updatedeutschland.org/

[47] An assessment of the overall outcomes of Update Deutschland was written by researchers at the Hertie School, 25 January 2022, https://projecttogether.org/pressemitteilung-learning-report-zu-updatedeutschland-veroeffentlicht

[48] Information provided to the IRM by the government of North Rhine-Westphalia during the pre-publication review of this report, 1 June 2022.

[49] See, https://www.kommunen.nrw/informationen/mitteilungen/datenbank/detailansicht/dokument/einladung-zur-online-konferenz-updatenrw.html

[50] See https://www.wirtschaft.nrw/landesregierung-startet-ideenwettbewerb-govupnrw-fuer-start-ups-aus-der-technologieszene.

[51] The study was commissioned to the consulting agency PD - Berater der öffentlichen Hand GmbH.

[52] PD, Data sovereignty in the smart city, 13 February 2020, https://www.pd-g.de/presse/pressemitteilungen/meldung/datensouveraenitaet-in-der-smart-city-pd-veroeffentlicht-handlungsempfehlungen

[53] https://github.com/od-ms/datennutzungsklauseln-muster

[54] See https://www.kdn.de/fileadmin/user_upload/9_Presse/2022-03-04_Pressemeldung_Datensouveraenitaet.pdf.

[55] The code repository, https://code.schleswig-holstein.de/explore

[56] The E-Akte is part of the implementation of Germany's E-government law from 2013, aiming to move from paper-based to digital files, see, https://www.gesetze-rechtsprechung.sh.juris.de/jportal/portal/page/bsshoprod;jsessionid=75BC22E8022B9F8452596DC3301D847E.jp21?feed=bssho-vv&showdoccase=1&paramfromHL=true&doc.id=VVSH-VVSH000005531#ivz1

[57] A translated version in English, https://www-heise-de.translate.goog/news/Schleswig-Holsteins-Digitalminister-Albrecht-ueber-den-Wechsel-zu-Open-Source-6221361.html?_x_tr_sl=de&_x_tr_tl=en&_x_tr_hl=de&_x_tr_pto=nui

[58] Transparency Schleswig-Holstein, https://transparenz.schleswig-holstein.de/dataset

[59] This service allows municipalities to publish their legislation online, see, https://teleport.de/aktuelles/kommunales-ortsrecht-schleswig-holstein-ksh-recht/

[60] Design-system.sh offers users within public administration a phase model, methods, and best practices for user-centered-design, see, https://www.design-system.sh/das-design-system/

III. Multi-stakeholder Process

3.1 Multi-stakeholder process throughout action plan implementation

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

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

Please see Section 3.2 for an overview of Germany's performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table [3.2]: Level of Public Influence
The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply it to OGP.[2] In the spirit of OGP, most countries should aspire to "collaborate."

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

Collaboration between the Federal Chancellery and the Open Government Network (OGN)[3] was maintained during the implementation phase. The OGN met online with the point of contact at the Federal Chancellery at least quarterly during implementation.[4] These meetings addressed the implementation of the second action plan, the IRM's 2019-2021 Design Report, as well as the co-creation of the next action plan. The OGN and the Chancellery organized a meeting to discuss the Design Report on 29 July 2020[5] and prepared recommendations to strengthen co-creation, professionalize civil society's work, establish more direct consultation channels with high-level officials, and expand the scope of civil society actors involved.

The Federal Chancellery communicated updates on the implementation in these meetings as well as in a mid-term self-assessment report.[6] The Federal Chancellery published a draft mid-term report as well as feedback by the Open Knowledge Foundation and a response by the Federal Chancellery online.[7] The feedback by the Open Knowledge Foundation pointed

out several positive developments of Commitments 1, 3, 4, 6, and 8, and suggested further improvements such as urging continued engagement for delayed milestones (the implementation of a database for legislative texts of Commitment 8), a more proactive communication of draft legislation (Commitment 6 and the release of the open data strategy), and an expansion of online consultation formats to involve young people in policy-making (Commitment 3), among others.

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[1] Acting Contrary to Process - Country did not meet (1) "involve" during the development or "inform" during implementation of the action plan, or (2) the government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

[2] "IAP2's Public Participation Spectrum," IAP2, 2014, https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

[3] The OGN is an open network for civil society groups and individuals. It facilitates exchange on OGP issues primarily via a coordinator, an elected strategy group, and online and onsite meetings.

[4] Based on the OGN's internal minute notes.

[5] Open Government Netzwerk Deutschland, Preliminary presentation and discussion on the IRM report, 29 July 2020, https://opengovpartnership.de/29-07-2020-vorpraesentation-und-diskussion-zum-irm-bericht/

[6] Open Government Deutschland, Interim report on the Second OGP Action Plan adopted, 9 October 2020, https://www.open-government-deutschland.de/opengov-de/zwischenbericht-zum-2-ogp-aktionsplan-verabschiedet-1797604

[7] Open Government Deutschland, Reporting, https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/berichtswesen-1591026

3.2 Overview of Germany's performance throughout action plan implementation

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

Multi-stakeholder Forum	During Development	During Implementation
1a. Forum established: Germany does not have a formal multi-stakeholder forum to oversee the OGP process. The Open Government Network (OGN) serves as a main interlocutor between civil society and the OGP point of contact. The OGN is an informal network of non-governmental stakeholders who work on transparency, open data, and technology-related issues in Germany. It facilitates civil society exchange on OGP issues primarily via a coordinator.	Green	Green
1b. Regularity: Meetings between the OGN and the Federal Chancellery's point of contact were held at least quarterly and online.	Green	Green
1c. Collaborative mandate development: Germany does not have a formal multi-stakeholder forum with a mandate to oversee the OGP process. The mandate of Germany's participation in OGP is largely developed by the Chancellery in collaboration with relevant government actors.	Yellow	N/A
1d. Mandate public: The Federal Chancellery published key points and objectives for Germany in OGP in October 2019.[1] In addition, information on the OGN's governance structure, remit, and membership is available on the OGN website.[2]	Green	Green
2a. Multi-stakeholder: Germany does not have a formal multi-stakeholder forum to oversee the OGP process. The OGN aims to coordinate civil society's involvement in the OGP process. During implementation of the second action plan, OGN members or any interested person could give input into the mid-term self-assessment report and some OGN members participated in the implementation of commitments such as the regional open government labs under Commitment 1.	Yellow	Yellow
2b. Parity: Members of the OGN or any other stakeholder can participate in OGP meetings and help shape their agenda. Although the OGN itself consists only of civil society, government representatives can join OGN meetings to discuss the OGP action plan.	Yellow	Yellow
2c. Transparent selection: The OGN is open for everyone to join. Its steering committee, the strategy group, was announced and elected in an open and transparent process.[3]	Green	N/A

2d. High-level government representation: During implementation, the OGN met with the lead of the division Digital State within the Federal Chancellery.	Green	Yellow
3a. Openness: The Federal Chancellery accepts inputs on the action plan process from any civil society or other stakeholders.	Green	Green
3b. Remote participation: There are opportunities for remote participation in OGN meetings and events.	Green	Green
3c. Minutes: The Federal Chancellery publishes minutes of its meetings regarding the co-creation process on its website.[4] The OGN keeps minutes of its meetings with the government point of contact, which are accessible to network members only.	Green	Green

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

Action Plan Implementation	
4a. Process transparency: The Federal Chancellery maintains a website where it publishes updates regarding open government activities. These updates include announcements regarding some commitments such as the national open data strategy or the start of the regional open government labs.[5]	Yellow
4b. Communication channels: The website provides contact information to the point of contact to OGP at the Federal Chancellery. However, no explicit feature is available to submit comments on the action plan progress updates.	Yellow
4c. Engagement with civil society: The Federal Chancellery discussed the status of the action plan's progress as part of the regular meetings with the OGN.	Green
4d. Cooperation with the IRM: The point of contact at the Federal Chancellery shares the draft IRM reports with relevant government agencies overseeing commitments.	Green
4e. MSF engagement: The Open Knowledge Foundation Germany (a member organization of the OGN) prepared a public statement for the mid-term self-assessment report.[6]	Green
4f. MSF engagement with self-assessment report: The government published drafts of its mid-term and end-of-term self-assessment reports for feedback by the public. Statements by the Open Knowledge Foundation on both drafts and responses of the Federal Chancellery on these statements were also made publicly available.[7]	Green
4g. Repository: The Federal Chancellery maintains a domestic OGP website.[8] While the Chancellery published mid-term and end-of-term self-assessments for the second action plan, the website did not provide regular (i.e., at least every six month) tracking of the status of commitments with links to corresponding evidence, as recommended by the IRM.[9] The Federal Chancellery also had a	Yellow

"traffic light" chart with the status of each milestone.[10] The last update was in mid-January 2021 due to a shift to the co-creation of the third action plan.

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[1] Key points and objectives in the Open Government Partnership (version 1.0, October 2019 - translation), https://www.open-government-deutschland.de/resource/blob/1687030/1760584/8325d16353a957b00263974345a3254b/guidelines-ogp-steering-data.pdf?download=1

[2] Open Government Netzwerk Deutschland, https://opengovpartnership.de/netzwerk/

[3] The announcement, 11 November 2020, https://opengovpartnership.de/die-bewerbungsrunde-fuer-2021-2022-strategiegruppe-des-open-government-netzwerks/. Applications could be sent to https://ec.europa.eu/eusurvey/runner/BewerbungOpenGovNetzwerk and members elected by active OGN members.

[4] Protocols of some meetings, https://bscw.bund.de/pub/bscw.cgi/71118924

[5] Open Government Deutschland, Third National Action Plan, https://www.open-government-deutschland.de/opengov-de

[6] Open Government Deutschland, Reporting, https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/berichtswesen-1591026

[7] The draft reports, https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/berichtswesen-1591026

[8] Open Government Deutschland, Third National Action Plan, https://www.open-government-deutschland.de/opengov-de

[9] Open Government Deutschland, Reporting, https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/berichtswesen-1591026

[10] Open Government Deutschland, Second National Action Plan, https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/zweiter-nationaler-aktionsplan-1591034

IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

This review was prepared by the IRM in collaboration with Danny Lämmerhirt and was reviewed by external expert Jeff Lovitt. The IRM methodology, quality of IRM products, and review process is overseen by the IRM's International Experts Panel (IEP).

Out of respect for the privacy of individuals interviewed for this report, information received has not been attributed to individuals. Instead, the IRM has only provided a general reference to their organization or type of organization. For the same reasons, interviews were not recorded but captured through extensive notetaking.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual[1] and in Germany's Design Report 2019-2021.

About the IRM

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.
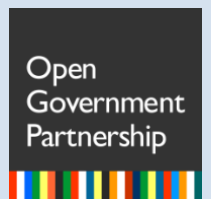
Danny Lämmerhirt is an independent research consultant who studies how public data infrastructures can be designed to govern problems of public concern. In the past, he has worked for the Open Knowledge Foundation where he led research on the Global Open Data Index. He also collaborated with the Hewlett Foundation, the International Development Research Centre, and the United Nations Foundation to understand the factors enabling uptake of citizen-generated data for sustainable development.

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[1] IRM Procedures Manual, V.3, https://www.opengovpartnership.org/documents/irm-procedures-manual

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[1] A summary of key indicators the IRM assesses is below:

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

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

Starred commitments

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

- The commitment's design should be **Verifiable**, **Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment's implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete.**

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

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[1] "IRM Procedures Manual," OGP, https://www.opengovpartnership.org/documents/irm-procedures-manual