

Independent Reporting Mechanism

Action Plan Review:
Estonia 2022–2024

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Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.
- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Estonia 2022–2024 action plan. The action plan comprises five activities that the government has clustered into two commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

¹ IRM Refresh: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

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Section I: Overview of the 2022–2024 Action Plan

Estonia's sixth action plan is focused and ambitious. It continues the previous action plans' efforts to increase transparency and civic participation in policy-making, and introduces novel commitments around evidence-based policy-making. In both policy areas, the key challenges are stimulating sustainable cultural change in the public sector to reinforce the impact of new policy frameworks and tools.

Estonia is starting its sixth action plan at the time of taking up the role of government co-chair of the OGP Steering Committee. During its tenure, Estonia intends to promote co-creation in public policy-making, highlight the role of civil society in tackling public health and humanitarian crises, and encourage peer learning within the global OGP community.²

Estonia's sixth action plan includes five activities, clustered into two commitments: 1) increasing co-creation in policy-making, and 2) promoting evidence-based policy-making. This action plan has a clear focus and high ambition as both commitments seek to spur substantial changes in the government's policy-making practices. The IRM has thus selected both as promising commitments.

Two of the three activities in the commitment on fostering co-creative policy-making continue where the previous action plan left off. The sixth action plan will introduce an expert group to analyze gaps in regulations, policies, and public sector organizations' capacities and a roadmap to drive wide-scale adoption of co-creative policy-making approaches. This commitment takes a broad view of the key enablers of institutional change and has strong potential to leverage the co-creation instruments that the government has been developing over several action plans.

Evidence-based policy-making was included in the action plan on the initiative of the Government Office.³ According to the OGP point of contact (PoC), the Government Office plans to encourage government institutions to use data and empirical evidence in their work to improve the quality and transparency of public decisions. One of the activities in this commitment aims to create a framework for government agencies to conduct systematic small-scale experiments with target groups to test innovative solutions to complex problems before designing large-scale policies. This is a novel approach and could lead to more transparent and effective policies if the design of the framework actively encourages the take-up of experimentation as a policy-making method. It will, however, also require dedicated work to drive cultural change in the public sector toward valuing innovation and risk-taking.

AT A GLANCE

Participating since: 2011
Action plan under review: 2022–2024
IRM product: Action Plan Review
Number of commitments: 2

Overview of commitments:
Commitments with an open government lens: 2 (100%)
Commitments with substantial potential for results: 2 (100%)
Promising commitments: 2

Policy areas:
Carried over from previous action plans:

- Co-creation in policy-making

Emerging in this action plan:

- Evidence-based policy-making

Compliance with OGP minimum requirements for co-creation:
Acted according to OGP process: Yes

The other activity in this commitment seeks to develop a decision-making support tool for policy makers. This tool will collect and systematize data on public policy challenges, perform automated data analysis, provide visualizations of the results, and allow for search of the data to answer specific questions. As the volume of data generated in the world increases at an exponential rate,⁴ this commitment seeks to help public officials use the available data to inform government decisions. Although the commitment is bold and innovative, the development of such a tool may face hurdles, from legal access barriers to questions about the accuracy and trustworthiness of data from various sources. The IRM recommends devoting attention to ensuring the quality and transparency of the data used to inform public policy decisions.

While the action plan is ambitious and structured into verifiable milestones, it was shaped more by the Government Office than non-governmental stakeholders. For example, during the public crowdsourcing campaign conducted from February to April 2022, several contributors proposed ideas related to youth participation, climate and environment, and open government in local municipalities, which did not end up in the action plan.⁵ According to the PoC, the main reason for excluding certain ideas was their limited scope or scale, which did not correspond to IRM's recurring recommendation to raise the ambition of OGP commitments.⁶ Other reasons included the responsible ministries' lack of resources, mandate, or will to implement the proposed ideas within the next action plan cycle. However, the Government Office did discuss all ideas with the proposers and ministries in a seminar on 3 May, and contributors claim to be satisfied with the quality of the government's feedback and justifications.⁷ Moreover, while some issues (e.g., open government in local municipalities) were not formulated into separate commitments, they are included in the mandate of the expert group established under Commitment 1.2. In future co-creation processes, stakeholders would like to see more time devoted to discussing who could take ownership of proposals that do not fit the scope of OGP action plans.⁸ They regard the Government Office as a valuable mediator of civil society's ideas to governmental stakeholders.⁹

² Open Government Partnership, Estonia 2022–2024 Action Plan, https://www.opengovpartnership.org/wp-content/uploads/2022/09/Estonia_Action-Plan_2022-2024_EN.pdf

³ Ott Karulin (national Point of Contact for OGP, Government Office), interview by the IRM, 5 October 2022.

⁴ Statista, Volume of data/information created, captured, copied, and consumed worldwide from 2010 to 2020, with forecasts from 2021 to 2025, <https://www.statista.com/statistics/871513/worldwide-data-created/>

⁵ Eesti avatud valitsemise partnerluse tegevuskava 2022-2024 ideekorjele esitatud ettepanekud, <https://riigikantselei.ee/media/1814/download>

⁶ Ott Karulin (national point of contact for OGP, Government Office), interview by the IRM, 5 October 2022.

⁷ Kai Klandorf (Network of Estonian Nonprofit Organizations), interview by the IRM, 28 October 2022; Kairi Tilga (Estonian Cooperation Assembly), interview by the IRM, 4 November 2022.

⁸ Kai Klandorf (Network of Estonian Nonprofit Organizations), interview by the IRM, 28 October 2022.

⁹ Kairi Tilga (Estonian Cooperation Assembly), interview by the IRM, 4 November 2022.

Section II: Promising Commitments in Estonia 2022–2024
Action Plan

The following review looks at the two commitments, both of which the IRM identified as having the potential to realize promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
1. Increasing co-creation in policy-making: This commitment continues developing a government-wide digital tool for legislative drafting and co-creation. It also continues building a public toolbox of co-creation methods to serve as a resource for policy makers, and testing specific co-creation methods in real-life policy-making exercises.
2. Fostering evidence-based decision-making: The activities under this commitment could improve government transparency by enabling the public to see what evidence led the government to adopt certain decisions or policies.

Commitment 1: Increasing co-creation in policy-making

Government Office, Ministry of Justice, Ministry of Interior, Ministry of Finance

For a complete description of the activities included in this commitment, see activities 1.1, 1.2, and 1.3 in the action plan [here](#).

Context and objectives

Estonia has sought to nurture participatory and co-creative policy-making practices throughout several OGP action plans. Increasing the transparency and accessibility of public decision-making has been the government’s and civil society’s shared priority as the government’s lawmaking process has been deemed complicated for the public to follow and take part in.¹⁰ Symptoms of this problem are persistently low public participation rates in policy-making processes and civil society organizations (CSOs) being involved in policy processes too late when there is little time to substantially influence the government’s plans.¹¹

This commitment continues the development of a government-wide digital tool for legislative drafting and co-creation that Estonia started in its fourth action plan. In addition to giving the public an integrated view of the policy cycle, the tool will enable citizens to participate in different stages of the lawmaking process. The commitment also continues the fifth action plan’s work on developing a public toolbox of co-creation methods to serve as a resource for policy makers, and the government will continue testing specific co-creation methods in real-life policy-making exercises.

- Under the fifth action plan, the government developed a minimum viable prototype¹² of the legislative drafting and co-creation tool, conducted user tests and launched pilots to test the functionalities of the tool in actual legislative drafting processes. For the

sixth action plan, the government aims to develop a pilot-ready version of the tool's public interface, which would enable the public to submit comments in legislative drafting processes. In addition, data on meetings with lobbyists where the particular initiative has been discussed will be presented next to each legislative initiative.

- Under the fifth action plan, the Government Office developed an online toolbox of co-creation methods, but publication has been delayed due to discussions around the technical solution.¹³ The toolbox will include a repository of co-creation methods, guidelines, and real-life case studies, as well as an overview of the government's ongoing policy co-creation processes. The Government Office published the first parts of the toolbox in November 2022 and regards it as a 'live' resource that government agencies and other stakeholders can update with their own methods and experiences. As part of the sixth action plan, the Government Office aims to add four new co-creation methods to the toolbox, some of them based on CSOs' input to the action plan co-creation process.
- Under the fifth action plan, in 2021, the Government Office coordinated a large-scale participation initiative gathering young people's proposals for improving the living environment in Estonia using the "opinion journey" co-creation methodology.¹⁴ The sixth action plan will adopt a similar method but on a much larger scale: government institutions, CSOs, and individual adult citizens of different ages will be invited to conduct 150 group discussions all around Estonia to solicit input to the 2023 annual action plan of the national development strategy "Estonia 2035". The methodology and lessons learned from this exercise will be added to the co-creation toolbox and the government will provide reasoned response to participants on how their input shaped the annual action plan.
- Under the fifth action plan, the Ministry of Rural Affairs analyzed the management and participation practices of their more than 20 advisory bodies with the aim to develop guidelines for better engagement of stakeholders in these bodies.¹⁵ This activity is not continued in the sixth action plan.

As a new activity, the sixth action plan includes a review of the legal and policy landscape to create a roadmap for widespread adoption of co-creative policy-making methods at the central and local government levels. This commitment therefore seeks to advance both government transparency and civic participation by combining digital tools, methodological resources, public participation initiatives, and roadmaps for legal and policy change.

Potential for results: Substantial

The impact of this commitment is not likely to be immediate – major shifts in public participation are likely to happen only in the long term if the government continues advancing transparency and inclusion in policy-making processes. However, previous action plans have already made small improvements in transparency and participation that create a strong foundation for the sixth action plan.

First, initiatives such as the youth's "opinion journey" have given a small number of policy makers direct experience of coordinating co-creation processes and a small number of citizens experience of participating in such processes. Positive experiences like this can encourage the government to implement similar participation initiatives on a broader scale. This is visible in the new commitment to conduct 150 group discussions with citizens to co-create the "Estonia

2035” strategy’s next annual action plan. As of November 2022, 115 discussions have already been registered, covering all 15 counties of Estonia.¹⁶

Second, the government has laid the groundwork for more open policy-making practices at the central level by developing a digital tool, the design of which enables and explicitly encourages transparency and co-creation. According to the current roadmap, a government-wide adoption of the tool would likely not happen before the year 2024 and further developments (e.g., integration of Parliamentary proceedings) may continue beyond 2025.¹⁷ This means this commitment, if implemented as planned, will constitute an incremental, yet indispensable step in a long process of shifting to new policy-making methods and tools. According to the coordinator from the Ministry of Justice, the use of the co-creation tool will become mandatory for government agencies once it is ready for adoption.¹⁸ She also notes that the government users who have piloted the tool have given positive feedback and expressed a desire to use it in the future. Both the obligation and intent to use the system are important, albeit not the only preconditions for successful institutionalization of new policy-making practices.

Although previous action plans have included capacity building of public officials and ministries’ public engagement coordinators, they lacked a comprehensive plan to drive deeper institutional change. Commitment 1.2 addresses this gap, by establishing an expert group that will analyze the gaps that hinder the adoption of co-creative policy-making practices in government agencies and local municipalities. The expert group will then develop a public roadmap laying out proposals for fostering co-creation at the central and local government level. According to the commitment coordinator, the expert group is led by two open government experts from civil society and is divided into two sub-groups, one focusing on the central government level and the other on the local level.¹⁹ The expert group includes representatives from three ministries, the Government Office, and a number of CSOs and social partners.²⁰ The local government subgroup also includes representatives of municipalities. To inform the roadmap, the expert group is conducting interviews with ministries and plans a survey among key CSO partners to analyze their views on the barriers of public participation.²¹

Ultimately, this commitment’s impact will depend on the actual implementation process that follows the adoption of the roadmap. The government is currently considering two possible approaches to that.²² The first would require the expert group and Government Office to work with ministries to carry out the roadmap’s proposals that relate to their policy area. However, if a stronger mandate is needed to drive action on the roadmap, the Government Office could take the roadmap to the cabinet of ministers, who could assign tasks to government agencies and oversee their implementation. Either way, the Government Office’s strong sense of ownership of this commitment increases the prospects of it leading to substantial changes in government transparency and civic participation in the long term.

Opportunities, challenges, and recommendations during implementation

Since this commitment continues work from previous action plans, the key challenges that may affect implementation have already been highlighted in previous IRM reports. These include the need to work on promoting the take-up of the resources created as part of the action plan, and the challenge of securing institutional will to change policy-making practices.²³ More specifically, the lead agencies could consider the following recommendations:

- **Devote attention to fostering a culture of collaboration and dialogue in addition to promoting new co-creation methods.** According to the Estonian Cooperation Assembly, the action plan's focus on trying out new methods is valuable but carries the risk that more attention is paid to the technical side of collaboration than to fostering a culture of dialogue and creating spaces conducive to genuine co-creation between different stakeholders.²⁴ Possible measures to support cultural change include civil service training and capacity building, but also identifying and empowering innovators and community leaders within the public sector and civil society who can drive cultural change in their organizations or communities. The expert group could be tasked with analyzing what resources, experiences, and incentives public officials and CSOs need to become active proponents of co-creation in their organizations. For future consideration, stakeholders have also proposed the government establish a center of competence (either as a separate institution or department of a government agency) with the responsibility and resources to develop democratic governance in Estonia.²⁵
- **Include action to support ministries' public engagement coordinators in the work of the expert group.** The IRM has previously recommended strengthening the role of public engagement coordinators to advise engagement processes in government agencies.²⁶ Despite efforts to support the coordinators' work, the role of engagement coordinators continues to be uneven across ministries, often depending on the top managers' interest in public engagement.²⁷ The expert group could propose a course of action for strengthening the role of public engagement coordinators in ministries. This may require reducing other work in the coordinators' portfolio to allow them to focus on supporting their institutions in public engagement. The Government Office notes that the expert group is autonomous in deciding what solutions it will propose, but leaders of the expert group have interviewed ministries' public engagement coordinators and they are engaged in evaluating possible steps in the future.²⁸
- **Devise an action plan to foster active use of the co-creation toolbox.** As this valuable resource becomes available, it is vital to plan concrete activities to promote its use. Ministries' public engagement coordinators could jointly plan activities to promote the toolbox among their colleagues. In addition to ministries, the toolbox could also be interesting for CSOs and local governments. The Government Office could take the lead in disseminating information about the toolbox and work with the Association of Estonian Cities and Rural Municipalities and CSO networks like the Network of Estonian Nonprofit Organizations, the OGP civil society roundtable, Kodukant the Village Movement, and others to share the toolbox with various communities.
- **Engage ministries from the outset to secure their commitment to carry out the activities in the roadmap.** According to the Government Office, the expert group is interviewing ministries to identify their needs regarding the use of co-creative and collaborative policy-making practices. It is important that the expert group keep close contact with all ministries to ensure their awareness of the roadmap process and discuss their role and responsibilities in implementing the resulting proposals early on.

Commitment 2: Fostering evidence-based decision-making

Government Office, all ministries, Statistics Estonia, Data Protection Inspectorate

For a complete description of the activities included in this commitment, see activities 2.1 and 2.2 in the action plan [here](#).

Context and objectives:

This commitment has two main drivers. First, the government believes that novel solutions to complex public policy problems are easier to implement if evidence of their impacts can be generated at a small scale before investing in large-scale implementation.²⁹ At the same time, the increasing datafication of society puts pressure on the government to use data to create public value.³⁰ The Government Office plans to support a shift to policy-making that relies less on decision makers' subjective perceptions and more on data and evidence.³¹ Although vast amounts of potentially useful data exist both in public databases and private sources, there are gaps in public officials' data literacy³² and the use of data and evidence to forecast the impacts of policies remains limited.³³ According to Estonia's Digital Strategy for 2030, the public lacks information on the data and models used to make public policy decisions, which decreases the transparency of public governance and may fuel the spread of disinformation. The limited findability and uneven quality of the data stored in various databases further complicates the use of data in policy-making.³⁴

This commitment consists of two activities that support evidence-based policy-making. Both activities could improve government transparency by enabling the public to see what evidence led the government to adopt certain decisions or policies.

The first (2.1) foresees the development of a policy framework to support the use of systematic experimentation and piloting in policy-making, i.e., testing policy solutions in small-scale pilots and documenting their impacts based on a clear methodology.³⁵ Specifically, it involves including piloting in the government's methodological guidelines for regulatory impact assessment and launching a funding program with a budget of 60 million EUR to support policy experiments conducted with researchers.³⁶ It also foresees publishing guidelines with success and failure stories that organizations can learn from, analyzing measures to assess the lawfulness and ethical aspects of pilots, as well as analyzing the legal and procedural changes needed to enable widespread implementation of piloting in the public sector. The government also plans to integrate this topic in public service top and middle managers' training programs.

The second activity (2.2) seeks to develop a digital tool that would perform automated analysis of the vast amounts of data that can inform policy, in particular to assist the preparation of government memoranda.³⁷ Such data includes public sector databases and document management systems, text corpora including meeting minutes and memos, public research data, and big data collected by private companies.³⁸ In the future, the automated analysis tool could be integrated with the government's legislative drafting and co-creation tool.³⁹ The government is applying a step-by-step approach, starting from data and functionalities that are easiest to integrate. The milestones include delivering a roadmap for technical development, engaging CSOs to improve the solution, and implementing first steps of the roadmap. The plan is to continue the commitment in future action plans. According to the Government Office, the first prototype will likely include a search engine of publicly available data from various web and media sources to help map a topic of interest.⁴⁰

Potential for results: Substantial

Although previous action plans have not included commitments to promote evidence-based policy-making, Estonia is not starting from scratch. Since its establishment in 2018, the government's inter-departmental innovation unit has worked to develop a culture of experimentation in the public sector and has recently mapped more than 70 public sector-led

initiatives that have involved some degree of piloting. For example, in 2019, the municipality of Saaremaa tested ways to nudge residents to sort packaging waste.⁴¹ In three consecutive summers, the city of Tartu temporarily transformed its traffic-heavy central streets into car-free zones, measuring noise and traffic levels and observing people's mobility patterns.⁴² However, understanding of experimentation as a policy-making method is uneven across the public sector and organizations' willingness to pilot innovative solutions depends on whether they have champions of piloting.⁴³

Activity 2.1's comprehensive approach to fostering the use of policy experiments can drive actual changes in policy-making practices. However, widespread adoption of experimentation will likely require the accumulation of positive experiences over time and a gradual change of organizational cultures to favor innovation over fear of failure. Nonetheless, the Government Office's plan to present the results of the legal landscape analysis to government ministers will likely strengthen the impact of the commitment. According to the innovation unit, it is vital to engage political decision makers, so that they can initiate strategic policy experiments themselves.⁴⁴ Moreover, the Government Office notes that the size of the government's funding program for financing the pilot implementation is notable, considering the size of Estonia. The Government Office aims to engage all ministries as well as more capable local municipalities with several large-scale policy experiments, because of which the Government Office expects permanent cultural change.⁴⁵

Activity 2.2 is ambitious but somewhat techno-optimistic in its vision of data-driven decision-making and automated preparation of government decisions. While the Government Office's long-term vision is to fully automate data collection, analysis, and preparation of proposals to the cabinet, they regard the activity as experimental in nature.⁴⁶ Since policy decisions often concern complex problems and making value choices, focusing on good data analytics may be a more realistic objective than expecting the tool to be able to suggest decisions based on data. Nevertheless, since no similar tools exist in the Estonian public sector, the activity will likely increase data-driven decision-making, even if its functionalities end up being limited to simpler search and analytics functions.

The IRM considers this commitment to have substantial potential results. This is because activity 2.1 includes a comprehensive set of measures to help institutionalize the use of experimentation in policy-making: a legal review, a generous funding program, guidelines and methodologies, and advice to implementers. However, the objective to shift to automated data-driven decision-making in the government (activity 2.2) raises ethical issues that warrant more thorough discussions with civil society and experts before large-scale application. Furthermore, the national statistical office has noted that the activity's current scope is limited to the Government Office's decision-making processes but does not include clear mechanisms to support data-driven decision making in other government institutions.⁴⁷ They are also concerned that using unstructured data of varying quality from diverse sources may complicate rather than simplify public decision-making processes. In the long-term, however, activities 2.1 and 2.2 could serve as important preliminary steps towards institutionalizing evidence-based policy-making in the public sector.

Opportunities, challenges, and recommendations during implementation

Regarding the institutionalization of experimenting and piloting as part of policy-making routines (activity 2.1), the main challenges are to ensure broad awareness of the method among public

officials both in the central and local government and their capacity to carry out pilots. In certain policy areas, such as those involving social policy, minorities, and marginalized groups, experiments may also run into legal impediments. The IRM recommends the following to support successful implementation:

- **Engage experts to develop guidelines and solutions for designing ethical experiments.** As some experiments may affect people's fundamental rights and equal treatment, strong ethical and legal guidance is needed to design experiments in a responsible way. The government is already planning to tap into the expertise that exists in universities' research ethics committees and potentially use these committees to assess the ethical aspects of pilots before implementation.⁴⁸ When designing guidelines and instruments for ethical assessment, the government could also consult experts in human rights and administrative law to account for the public sector context. One of the experts working on the guidelines is an expert in human rights (who previously worked in the Chancellor of Justice). Also, the team is planning wider discussion on ethics as part of the process.⁴⁹
- **Allocate resources to active awareness raising and capacity building to ensure take-up of the results.** The government plans to promote the guidelines among the applicants of the funding program for pilots. The guidelines could also be disseminated in public service trainings. Both government ministries and municipalities could benefit from structured experience-sharing with their peers and practical workshops where those with no prior experience could learn from others' success and failure stories. The government could design a capacity-building and peer learning program to facilitate such exchange of experience. According to the Government Office, the necessary resources (budget, personnel, and public service training sessions) are allocated in 2023's work plan of the public sector innovation team and Strategy Unit at the Government Office.⁵⁰

Data integration projects can be challenging due to problems with data quality and accuracy, lack of technical and semantic interoperability, legal barriers to data access and reuse, and transaction costs related to negotiating data access agreements with private data holders. Therefore, the digital decision support tool (activity 2.2) may face challenges that delay or limit its usefulness by excluding data that may be valuable but too complicated to integrate. The barriers may be even higher regarding the automated interpretation of the data. While AI-driven data processing and analytics technologies can make sense of diverse data, the challenge is to determine to what extent the results can be trusted as a basis of making public decisions, and who has the capacity to catch possible errors in the data or algorithms. When implementing this activity, the Government Office could consider the following recommendations:

- **Plan thorough legal and feasibility analyses to anticipate possible legal and technical barriers.** According to the Government Office, the roadmap that is currently being developed also involves a legal analysis. It is important to plan concrete actions to start addressing the identified barriers as soon as this analysis becomes available.
- **Ensure the quality of the data used to inform public policy decisions.** There is likely a trade-off between integrating as many data sources as possible and maintaining control over data quality. However, in policy issues of high importance or sensitivity, the latter may be more important. The government could also consider involving

independent experts in assessing the quality of the algorithms used in the tool. Moreover, although the Government Office's long-term goal is to automate the preparation of proposals to the cabinet, it will be important to maintain a level of human judgement in the decision-making process.

- **Ensure public transparency of the data and AI are used to inform government decisions.** The Government Office intends to make the tool at least partly open for public use. Whereas there may be legal impediments to public access to the data or technical limitations to the volume of simultaneous data requests that the system can handle, the search engine can be made accessible to anyone.⁵¹ The government could also aim to open the datasets integrated to the tool to the extent legally possible and make it clear to the public when AI has been used to inform government decisions. The government could create an obligation that all memoranda presented to the government include an overview of the data used to prepare them. Since the memoranda discussed in the cabinet meetings are not public by law, the government could analyze if the memoranda that do not concern sensitive issues could be made fully or partly public.
- **Engage CSOs and experts on AI ethics to develop the tool.** The action plan foresees the engagement of CSO stakeholders in discussing the roadmap to identify their needs and possible problems. It could also be useful to engage researchers and experts on ethical and explainable AI to discuss ways of ensuring the transparency and public understandability of the models and algorithms used for automated data analysis. In addition, the government could develop a mechanism for CSOs and the public to raise concerns about government decisions that were informed by data analysis and AI.

¹⁰ Open Government Partnership, IRM Estonia Design Report 2018–2020, pp 16-17, https://www.opengovpartnership.org/wp-content/uploads/2019/10/Estonia_Design_Report_2018-2020_EN.pdf

¹¹ Open Government Partnership, Estonia Action Plan Review 2020–2022, p 6, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Estonia_Action-Plan-Review_2020-2022_EN.pdf

¹² The government's approach to developing the tool is based on the concept of a minimum viable product (MVP), developed by the Lean Startup movement. An MVP refers to an initial version of a new product (often with only partial functionalities), which allows a team to collect feedback from users before developing the full version.

¹³ Ott Karulin (Government Office), interview by the IRM, 5 October 2022.

¹⁴ A description of the methodology is available at <https://valitsus.ee/media/4164/download> (in Estonian). The initiative engaged more than 500 pupils from 25 schools, who co-created 200 ideas, which the Government Office synthesized into 15 proposals. After 6,218 citizens voted on the proposals, the Government Office introduced the ideas to the ministries working in the respective policy areas. OGP repository, Government Office, <https://riigikantselei.ee/valitsuse-too-planeerimine-ja-korraldamine/valitsuse-too-toetamine/avatud-valitsemise-partnerlus#tegevuskava-2020-2022>; Noorte arvamusrännak, Government Office, <https://valitsus.ee/noorte-arvamusrannak>

¹⁵ Nõuandvad kogud ja projektid, Ministry of Rural Affairs, <https://www.agri.ee/ministeerium-uudised-ja-kontakt/kaasamine-osalemine/nouandvad-kogud-ja-projektid#valitsemissala-olulis>

¹⁶ Arvamusrännakule on kirja pandud juba 115 arutelu, teemade pingerida üllatab, 14 November 2022, <https://www.arvamusrannak.ee/uudised/arvamusrannakule-on-kirja-pandud-juba-115-arutelu-teemade-pingerida-ullatab>

¹⁷ Riigi koostöökeskkond, Ministry of Justice, <https://www.just.ee/oigusloome-arendamine/riigi-koostöökeskkond>

¹⁸ Karmen Vilms (Ministry of Justice), interview by the IRM, 11 November 2022.

¹⁹ Ivar Hendla (Government Office), interview by the IRM, 3 November 2022. The two experts from civil society are Hille Hinsberg and Teele Pehk.

²⁰ These include the Trade Union Confederation and Chamber of Commerce to NGOs working with youth, people with disabilities, anti-corruption, and social innovation issues.

²¹ Ivar Hendla (Government Office), interview by the IRM, 3 November 2022.

²² Ivar Hendla (Government Office), interview by the IRM, 3 November 2022.

²³ Open Government Partnership, Estonia Action Plan Review 2020–2022, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Estonia_Action-Plan-Review_2020-2022_EN.pdf

²⁴ Kairi Tilga (Estonian Cooperation Assembly), interview by the IRM, 4 November 2022.

- ²⁵ Rasmus Pedanik, Social Innovation Lab, Eesti avatud valitsemise partnerluse tegevuskava 2022–2024 ideekorjele esitatud ettepanekud, <https://riigikantselei.ee/media/1814/download>; Kairi Tilga (Estonian Cooperation Assembly), interview by the IRM, 4 November 2022.
- ²⁶ Open Government Partnership, Estonia Action Plan Review 2020–2022, https://www.opengovpartnership.org/wp-content/uploads/2021/07/Estonia_Action-Plan-Review_2020-2022_EN.pdf
- ²⁷ Ivar Hendla (Government Office), interview by the IRM, 3 November 2022.
- ²⁸ Information provided to the IRM by the Government Office during the pre-publication review of this report, 21 December 2022.
- ²⁹ Open Government Partnership, Estonia 2022–2024 action plan, Commitment 2.1, https://www.opengovpartnership.org/wp-content/uploads/2022/09/Estonia_Action-Plan_2022-2024_EN.pdf
- ³⁰ Erik Ernits (Government Office), interview by the IRM, 31 October 2022.
- ³¹ Open Government Partnership, Estonia 2022–2024 action plan, Commitments 2.1 and 2.2, https://www.opengovpartnership.org/wp-content/uploads/2022/09/Estonia_Action-Plan_2022-2024_EN.pdf; Ott Karulin (Government Office), interview by the IRM, 5 October 2022.
- ³² Estonia's Digital Agenda 2030, p 22, <https://www.mkm.ee/media/6970/download>
- ³³ E-Estonia, Reading the numbers, understanding the future – Statistics Estonia reinvents data mining, e-Estonia Briefing Center, 26 June 2018, <https://e-estonia.com/statistics-estonia-reinvents-data-mining/>
- ³⁴ Estonia's Digital Agenda 2030, p 22, <https://www.mkm.ee/media/6970/download>
- ³⁵ Open Government Partnership, Estonia 2022–2024 action plan, Commitment 2.1, https://www.opengovpartnership.org/wp-content/uploads/2022/09/Estonia_Action-Plan_2022-2024_EN.pdf
- ³⁶ See the funding program's objectives and conditions, <https://riigikantselei.ee/avaliku-sektori-innovatsioon>
- ³⁷ This commitment should be viewed in the context of the government's recent work to improve the accessibility and usability of public sector data. This work includes harmonizing metadata standards across the public sector, providing guidelines and counselling on data management and data quality, mandating public sector organizations to publish data on the national open data portal and conducting training programs to improve public officials' data skills.
- ³⁸ Erik Ernits (Government Office), interview by the IRM, 31 October 2022.
- ³⁹ Ott Karulin (Government Office), interview by the IRM, 5 October 2022.
- ⁴⁰ Erik Ernits (Government Office), interview by the IRM, 31 October 2022.
- ⁴¹ Kuidas muuta katsetamine tavapäraseks osaks poliitikakujundamisest? Government innovation unit, June 2022, <https://riigikantselei.ee/media/2007/download>
- ⁴² This year, Car-Free Avenue will create a new urban space experience for all road users, Tartu City Government press release, 31 March 2022, <https://tartu.ee/en/news/year-carfree-avenue-will-create-new-urban-space-experience-all-road-users>
- ⁴³ Anne Jürgenson (Government Office) and Ave Habakuk (Government innovation unit), interview by the IRM, 10 November 2022.
- ⁴⁴ Anne Jürgenson (Government Office) and Ave Habakuk (Government innovation unit), interview by the IRM, 10 November 2022.
- ⁴⁵ Information provided by the Government Office during the pre-publication review of this report interview, 21 December 2022.
- ⁴⁶ Erik Ernits (Government Office), interview by the IRM, 31 October 2022.
- ⁴⁷ Ministry of Finance, Response to Government Office on Estonia's 2022–2024 OGP Action Plan, 30 August 2022, 1.1–11/6331-2. Source: <https://eelnoud.valitsus.ee/main/mount/docList/9a118a9e-0298-4491-a143-adc8ab5ce53c>
- ⁴⁸ Anne Jürgenson (Government Office) and Ave Habakuk (Government innovation unit), interview by the IRM, 10 November 2022.
- ⁴⁹ Information provided to the IRM by the Government Office during the pre-publication review of this report, 21 December 2022.
- ⁵⁰ Information provided to the IRM by the Government Office during the pre-publication review of this report, 21 December 2022.
- ⁵¹ Erik Ernits (Government Office), interview by the IRM, 31 October 2022.

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

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

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

Step 3: Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.

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

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I. Verifiability

- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

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

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

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

III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Maarja Olesk and was externally expert reviewed by Andrew McDevitt. The IRM methodology, quality of IRM products, and review process are overseen by IRM’s IEP. For more information, see the IRM Overview section of the OGP website.⁵²

⁵² IRM Overview: <https://www.opengovpartnership.org/irm-guidance-overview/>

Annex 1. Commitment by Commitment Data⁵³

Commitment 1: Increasing co-creation in policy-making

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Increasing co-creation in policy-making (activities 1.1, 1.2, and 1.3 of the action plan)
- Potential for results: Substantial

Commitment 2: Fostering evidence-based decision-making

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Fostering evidence-based decision-making (activities 2.1 and 2.2 of the action plan)
- Potential for results: Substantial

⁵³ **Editorial notes:**

1. For commitments that are clustered, the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Estonia's action plan: https://www.opengovpartnership.org/wp-content/uploads/2022/09/Estonia_Action-Plan_2022-2024_EN.pdf

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.⁵⁴ IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.⁵⁵ However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation?
1.1 Space for dialogue: A permanent multi-stakeholder forum (last reformed in 2019) met twice during the co-creation period (in February and May 2022) ⁵⁶ and its composition and basic rules are publicly available on the Government Office's OGP repository. ⁵⁷	Yes	<i>To be assessed in the Results Report</i>
2.1 OGP website: The Government Office maintains a public webpage dedicated to Estonia's participation in OGP that also contains documentation on the current and previous action plans. ⁵⁸	Yes	<i>To be assessed in the Results Report</i>
2.2 Repository: The Government Office's OGP webpage serves as a public repository of resources related to OGP action plans. It contains information on the co-creation of the latest action plan (updated in September 2022) and implementation of the previous action plans. However, as of 14 November 2022, the last update on the completion of commitments in the previous action plan dates from 21 February 2022.	Yes	<i>To be assessed in the Results Report</i>
3.1 Advanced notice: The timeline of the co-creation process was discussed in the multi-stakeholder forum and shared with CSOs two months before the start of the co-creation process. ⁵⁹	Yes	Not applicable
3.2 Outreach: Two major outreach events were conducted during the co-creation process: an inspiration day for local governments on 22 February 2022 ⁶⁰ and a civil society brainstorming event on 12 April 2022. ⁶¹	Yes	Not applicable
3.3 Feedback mechanism: A public campaign was conducted from 21 February to 17 April 2022 to crowdsource proposals for the action plan. ⁶²	Yes	Not applicable
4.1 Reasoned response: All contributions from stakeholders submitted during the public crowdsourcing campaign were documented and published on the Government Office's website. The government gave direct feedback to contributors on a seminar conducted on 3 May 2022 to discuss the ideas. It also shared written feedback to each proposal in a summary document on the OGP website. ⁶³	Yes	Not applicable
5.1 Open implementation: The IRM will assess whether meetings were held with civil society stakeholders to present implementation	Not applicable	<i>To be assessed in the Results Report</i>

results and enable civil society to provide comments in the Results Report.		
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⁵⁴ 2021 OGP Participation and Co-Creation Standards: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

⁵⁵ IRM Guidelines for the Assessment of Minimum Requirements: <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/>

⁵⁶ Meeting minutes, 15 February 2022,

<https://dhs.riigikantselei.ee/avalikteave.nsf/documents/NT00396F0A/%24file/ARVAK22P1.pdf>; 3 May 2022,

<https://dhs.riigikantselei.ee/avalikteave.nsf/documents/NT0039F966/%24file/ARVAK22P2.pdf> (accessed 17 November 2022)

⁵⁷ Avatud valitsemise partnerlus, <https://riigikantselei.ee/valitsuse-too-planeerimine-ja-korraldamine/valitsuse-too-toetamine/avatud-valitsemise-partnerlus>

⁵⁸ The repository is available at <https://riigikantselei.ee/valitsuse-too-planeerimine-ja-korraldamine/valitsuse-too-toetamine/avatud-valitsemise-partnerlus> and the latest action plan is available on the website both as HTML and as a downloadable file, <https://riigikantselei.ee/media/1856/download>

⁵⁹ MSF meeting minutes, <https://dhs.riigikantselei.ee/avalikteave.nsf/documents/NT0039053A/%24file/ARVAK21P4.pdf> (accessed 17 November 2022); Co-creation timeline on the Government Office's website, <https://riigikantselei.ee/arvak-koosolek>

⁶⁰ TalTech, Inspiratsioonipäev „KOV: kohaliku osaluse võimalused”, <https://taltech.ee/sundmused/inspiratsioonipaev-kov-kohaliku-osaluse-voimalused>

⁶¹ Vabaühenduste Liidus 15. Nädalal, 11 April 2022, <https://heakodanik.ee/uudised/vabauhenduste-liidus-15-nadalal-2022/>

⁶² Open Government Partnership Estonia, Invitations to participate in the campaign, <http://www.avatudvalitsemine.ee/uudised/riigikantselei-kutsub-osalema-ideekorjel/>; <https://heakodanik.ee/uudised/riigikantselei-kutsub-osalema-ideekorjel/>

⁶³ The comments and government's response, <https://www.riigikantselei.ee/media/1814/download>