**OGP Joint Working Group Meeting**

**Draft Summary Meeting Notes**

**March 20th 2014**

**Location: TASC, Castleriver House, 14-15 Parliament Street, Dublin 2**

**Civil Society Members Present:** Ivan Cooper (The Wheel), Flora Fleischer (Open Knowledge Foundation Ireland), Nuala Haughey (TASC, Transparency Ireland International), Antoin Ò Lachtnain (Digital Rights Ireland), Denis Parfenov (Active Citizen and Open Knowledge Foundation Ireland)

**Apologies:** Andrew Jackson (An Taisce), Anne Colgan, Donal Enright (Dept of Environment, Community and Local Government), Evelyn O’Connor (PER)

**Civil Service Members Present:** Connor McCann (PER), William Beausang (PER), Claire Martinez(PER)

**Administrator:** Claire O’Keeffe

**FOI**

Civil society’s Action Plan proposal to abolish FOI fees was discussed. DPER said the forthcoming FOI bill will go the government and then the Oireachtas and that the JWG had no input into this process. DEPR said any individual can write to the Minister at any time to give their views but questioned how it could be possible to have a FOI proposal in NAP, when the forthcoming legislation may conflict with that proposal. In relation to the fees issue, DPER said there was no information gap.

* **Draft Action Plan and CS priorities response**
* DEPR produced two documents and circulated them to the CS members of the JWG.
  + **Document 1: DPER’s** [**OGP Draft National Action Plan**](https://docs.google.com/document/d/1l2CotWwLulQ0a6zrJoniuqGq6ZGizgUvksDCKUmCPew/edit) **(Annex 1).** The OGP Draft National Action Plan is DEPR’s draft action plan outline, which has been populated with a number of draft actions.
  + **Document 2:** [**Civil Society Priorities for the NAP – DPER’s Tabular Response**](https://docs.google.com/document/d/1pyh05zGDvbzchGhv7L_NZ1ttmtJS0ctwPJ1ssUO4KJ8/edit) **(Annex 2).** Civil Society Priorities Tabular Responseis DEPR’s response to the civil society priority list, ([seen here](https://docs.google.com/document/d/1K0jyeYbtGA4frwlhJbG1SSOjXf6SoCzkXL7Qc6z6hDQ/edit)) issued at the previous week’s meeting (March 13th).
* It was agreed that CS members can assess the OGP Draft National Action Plan over the next week. CS members will work off one iterative document and incorporate tracked changes. All CS reactions will be considered and suggested changes will be delivered to DEPR (Claire Martinez) before next week’s JWG meeting (March 27th).
* It was agreed that CS members can merge the Civil Society Priorities Tabular Response document and CS proposals; [Capacity Development](https://docs.google.com/document/d/1-hODLmJ6-Evu1keKJg-sdO9GV1KZHbIQhnkztPN8ypM/edit) and [Local Government](https://docs.google.com/document/d/1w7xTbC4mHQbSPRtFBuC5og43y3Ns5HUl4M4AziFg390/edit) with the Draft National Action Plan document.

**NAP Civil Society Led Review Tool**

* CS introduced this pilot CS-led review of OGP which Ireland is participating in along with seven other countries. It is a two-stage engagement process. [See more information](https://docs.google.com/document/d/1akGb3H0TrI_qcfTVCTM4YiBqe91fHa--Ngob2qQ5hCk/edit) on the CS-led Review tool from (March 18th) CSF meeting notes.

**Other Business**

* There are two more upcoming JWG meetings to help refine NAP.
* The next meeting will focus on setting scope for a single plan.
* DPER will arrange meetings between CS and Department of Justice and Department of Environment.

**The next Joint Working Group Meeting:** 11:30am next Thursday (March 27) in the basement conference room of 14 – 16 Merrion Street

Annex 1:

**Open Government Partnership**

**Draft National Action Plan**

**Introduction**

In May 2013 the Minister for Public Expenditure and Reform submitted, on behalf of the Irish Government, a letter of intent to participate in the Open Government Partnership (OGP).

The Government’s decision to seek membership of the OGP was based on the assessment that the aims of the OGP strongly reinforced and complemented the Government’s commitment to wide ranging political reform contained in the Programme for Government.

The continuing development of an open, transparent, accountable and ethical system of public administration consistent with the goals and objectives of the OGP is clearly integral to the ongoing process of rebuilding trust in government and in public institutions and underpinning national recovery.

As summarised below, very significant progress has already been made in the area of political reform set out in the Programme of Government as well as in relation to a number of initiatives Ireland’s first National Action Plan (NAP) is intended to provide renewed momentum and impetus to these reform efforts building on a period of very significant achievement. The NAP identifies specific actions corresponding to key elements of the OGP’s Grand Challenges that can contribute to the design and delivery of the new phase of the Government’s reforms.

**Compliance with OGP Guidelines for Public Consultation on Country Commitments**

This NAP has been developed in a manner fully consistent with the OGP Guidelines for Public Consultation on Country Commitments as summarised below

**1. Availability of process and timeline: Countries are required to make the details of their public consultation process and timeline available (at least online) prior to the consultation.**

Full details of the consultation process were published online on the Department of Public Expenditure and Reform’s website and also on the website [www.ogpireland.ie](http://www.ogpireland.ie) website established and maintained by Transparency International Ireland to facilitate participation by civil society and citizens in the public consultation on the basis of funding provided by the Department of Public Expenditure and Reform. The Department also contacted a large number of organisations directly to advise them of the OGP consultation process and to encourage them to make submissions.

**2. Adequate notice: Countries are to consult the population with sufficient forewarning to ensure the accessibility of opportunities for citizens to engage.**

This was achieved as demonstrated by the preparation of a report on the proposals made by civil society and citizens through the public consultation process supported by the Department of Public Expenditure and Reform as well as the submissions received from a number of organisations some of which had participated in the public meetings held as part of the public consultation and some who had not.

**3. Awareness raising: Countries are to undertake OGP awareness-raising activities to enhance public participation in the consultation**

In addition to the provision of funding to support the public consultation process, the Minister for Public Expenditure and Reform has sought on a number of occasions to raise public awareness of the OGP and of the public consultation process contributing to the development of Ireland’s first National Action Plan.

**4. Multiple channels: Countries are to consult through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.**

As summarised above, opportunities were provided to contribute to the public consultation process either online or through participation in the public meetings held as part of the public consultation.

**5. Breadth of consultation: Countries are to consult widely with the national community, including civil society and the private sector, and to seek out a diverse range of views.**

The public consultation was designed to facilitate wide consultation with civil society and the private sector. Approximately 40 non-governmental organisations participated in the public consultation and a diverse range of views were received.

**6. Documentation and feedback: Countries are to produce a summary of the public consultation and all individual written comment submissions are to be made available online.**

Following a series of public meetings during summer 2013 involving civil society groups and citizens facilitated by Transparency International Ireland with funding support provided by the Department of Public Expenditure and Reform, a report outlining a number of proposals and recommendations for Ireland’s first OGP National Action Plan was submitted to the Minister on 2 October 2013 and published.

**Open Government: Progress to Date**

Very substantial progress has been made in delivering a significant programme of reform initiatives many of which are included in the Programme for Government and which dovetail closely with core OGP themes and objectives. These include:-

* The Ombudsman Act 2012 which results in the most significant expansion in the jurisdiction of the Ombudsman in the 30 years since the original Ombudsman legislation was enacted.
* The Houses of the Oireachtas Act 2013 establishes a comprehensive statutory framework for the Oireachtas to conduct inquiries within the current constitutional framework.
* Protected Disclosures legislation incorporating best practice international standards for whistleblower protection is currently being progressed through the Houses of the Oireachtas. The legislation will play a central role in safeguarding workers who speak up to raise concerns regarding wrongdoing in the workplace.
* The Regulation of Lobbying Bill which will establish a detailed and comprehensive framework for the regulation of lobbying is currently being drafted and is expected to be published by mid-2014.
* A project has commenced to overhaul ethics legislation in Ireland which will consolidate, modernise and update the current statutory framework as well as implement the recommendations relating to conflicts of interest contained in the final Report of the Mahon Tribunal.
* The commencement of the next stage in the Dáil reform programme will deliver real improvement to its examination of legislation and scrutiny of budgets and spending. It will also bring civil society, interest groups and experts into the process at an early stage. These reforms are part of a wider agenda to make parliament more effective and efficient, and to allow more scrutiny of the legislative process. It will also see the Government engaging more with the Oireachtas as well as greater involvement of Oireachtas committees in the budget process.
* An extensive programme of local government reform is also underway. The Local Government Act 2014 will fundamentally reform the local government system in Ireland. The Act provides for greater efficiency in local government, improvements to local government funding, accountability and governance, as well as providing for local government taking the lead in economic and community development.
* As part of the programme of local government reform, a new National Oversight and Audit Commission for Local Government (NOAC) will be established to provide independent scrutiny of local government performance and in providing value for money for service delivery. NOAC reports will be made public and the Chief Executive will prepare an implementation plan to address any issues raised by the NOAC.
* The powers of the Office of the Director of Corporate Enforcement were enhanced by the Criminal Justice Act 2011. Witnesses may now be compelled to provide certain documents and information. New categories of white – collar crime are also identified in the act, increasing the coverage of corrupt practices.
* All government departments and offices now publish details of purchase orders over €20,000 on a quarterly basis.
* The new Public Services Card will introduce a number of significant improvements including the incorporation of contactless ticketing chips for travel entitlement and new smart card technology. By the end of 2013, over 600,000 cards had been issued. It is intended that a cumulative target of three million cards will have been issued by the end of 2016. Progress in 2013 to facilitate greater use and sharing of data included –
  + The drafting of a Data Sharing and Governance Bill to mandate greater data sharing and linking in the public service
  + The publication of a Health Identifiers Bill to enable the introduction of universal and unique health identifiers for patients and service providers
  + The approval of the roll out of a new National Postcode Scheme by 2015.
* The Department of the Environment, Community and Local Government set up a working group on citizen engagement that made recommendations on more extensive and diverse input by citizens into the decision-making process to allow for citizen input to be facilitated in local government decision making.
* The ongoing Constitutional Convention is a major venture in participative democracy. The Convention is a decision making forum of 100 people, including 66 citizens selected at random. It is tasked with considering certain aspects of the Constitution to ensure that it is fully equipped for the 21st Century and makes recommendations to the Oireachtas on possible future constitutional amendments which will be put to the people in referenda.
* Transparency of Budgetary Process

1. **Open Data and Transparency – opening-up Government data for greater accountability, improving public services and achieving economic growth**

Opening up Government data has the potential to drive innovation and economic growth, improve public services, strengthen democracy and increase transparency and accountability of government.

Increased transparency is at the heart of the Government’s reform programme and these measures will enable the public to hold Government accountable for its performance, use data to identify best practice, encourage the public sector to improve productivity and quality and help citizens make more informed choices. Making data available to businesses will promote development of innovative products and services and drive economic growth. The implementation of Open Data, leading to more open, transparent and accountable Government is a major programme of work with the potential to reap significant benefits.

**DRAFT ACTIONS**

**Action 1.1 – Establishment of best practice standards for Open Data**

Best practice standards for the publication and re-use of Open Data in Ireland will be established and implemented drawing on best practice international standards and covering the following areas: carrying out a data audit, dataset selection, publishing high-quality data, licensing, engaging data users, encouraging data reuse, evaluating impact.

**Action 1.2 - Development of an Open Data Ireland Alpha Platform**

An Alpha website will be developed and launched as a first step in establishing Ireland’s Open Data Platform. The website will consist of two main components:

1. A Data Catalogue that will allow for searches of datasets hosted by public sector bodies. It is envisaged that datasets will be hosted on the platform itself only in exceptional circumstances.
2. A linked data section providing high-quality linked data versions

The alpha site will incorporate a facility to allow users to request additional datasets.

**Action 1.3 – Undertake an audit of key datasets for publication**

This action is required in order that the Open Data Portal proposed in **Action 2** can be populated with appropriate datasets.

**Action 1.4 – Establish an evaluation framework to provide assessment of the ongoing Open Data project**

This evaluation framework will take the form of a clear roadmap outlining quarterly milestones for the development of Open Data in Ireland over next three years

**Action 1.5 – Establishment of a Steering and Implementation Group and Open Data Ireland Governance board**

These two bodies will be formed in order to ensure the proper management and development of Ireland’s Open Data project. The **Steering and Implementation Group (SIG)** will be responsible for overseeing the proper application of the Roadmap outlined in **Action 4**. The SIG will report to the **Open Data Ireland Governance Board** which will have general oversight on Open Data developments in Ireland.

**Action 1.6 – Signing up to the G8 Open Data Charter**

1. **Fostering citizen participation/more active citizenship – Greater citizen consultation and involvement to strengthen democracy and improve public services**

More active consultation and participation of citizens in public administration can lead to increased oversight and accountability in government at both national and local level. For these reasons citizens, elected representatives, and other interested individuals or groups are increasingly invited to input into the preparation of policy and legislation, through written submissions or public meetings, and feedback from these public consultations informs and contributes significantly to this process. Dáil Reforms, including the introduction of a new pre-legislative stage for all non-emergency legislation, will open up the law-making process to public and civil society involvement prior to legislation being drafted.

Citizens can also influence the working of local government by taking a more active part in their local community with a view to improving their local area and public service delivery through participation in, for example, local community development groups. Local Government Reform will lead to engagement with and participation by communities and individuals in local government and will enhance local authority involvement in economic and community development.

The proposals in this area will seek to deliver a more efficient public service which will be manifestly fit for purpose as well as enhancing citizen participation in legislative and other decision-making at local and national level. Taken together, these measures represent a new maturity in the approach to Government’s relationship with the citizen.

**DRAFT ACTIONS**

**Action 2.1 –** **Customer improvements to be implemented**

* The new Local Government portal **logalgov.ie** will facilitate one stop shop access for all citizens to all local authority services.
* New Local Enterprise Offices will provide “first-stop-shops” for the micro-enterprise and small business sector to avail of enterprise support services, other direct business supports and co-ordinated access to other services for business.

**Action 2.2 – Review and enhancement of complaints procedures across the public service**

A review of citizen complaints procedures will be undertaken. This will assess:

* The thoroughness, speed and impartiality of bodies across the public service in responding to customer complaints;
* The availability of clear and timely information about how people can appeal and complain; and
* The effectiveness of remedies that are offered to complainants.

**Action 2.3 – Assess and facilitate the potential of Open Data for greater citizen participation**

**[**Details of specific action need to be discussed and agreed with Government’s Chief Information Officer**]**

**Action 2.4 – Increase citizen participation in decision making**

Implementation of the Government’s proposalsfor increased citizen participation at Committee level in the legislative process through, in particular, unprecedented and extensive engagement by the public in law making. At the pre-legislative stage, the Committee can consult with citizens with expertise in the area, civic society groups and other interested groups before the Legislation is drafted.

**Action 2.5 – Support Children and Young People as citizens**

Develop, finalise and publish the first Government policy on children and young people's participation in decision-making.

1. **Rebuilding public trust in Government - strengthening governance and accountability**

The existence of adequate and effective arrangements for governance and accountability within the civil service and between the civil service, the political level and citizens generally is one of the fundamental elements of a democratic system of government. As detailed in the Nyberg Commission of Investigation, the Honohan and Nyberg / Watson Reports, the financial and fiscal crisis exposed major weaknesses and failures in government, public administration, regulation and the media / public debate. Significant progress has been made in efforts to rebuild capacity, improve governance and restore trust. Building on the Government’s programme of political reform initiatives, a number of initiatives will be progressed and given further impetus as part of this National Action Plan leading to a more open, transparent and responsive Government and the restoration of public trust.

**DRAFT ACTIONS**

**Action 3.1 – Ethics Reform**

Develop and enact legislation reforming the current statutory framework for ethics requirements applying to public officials, consolidating, simplifying and modernising current legislation and appropriately implementing the recommendations of the Final Report of the Mahon Tribunal as well as drawing on international good practice in this area.

**Action 3.2 – Strengthening Freedom of Information**

Implement the Code of Practice for Freedom of Information (FOI) to enhance the operation of the FOI legislation and to promote the proactive publication of information by public bodies

**Action 3.3 – Regulation of Lobbying**

Secure Government approval for, publish and enact the Regulation of Lobbying Bill

**Action 3.4 – Whistleblower Protection**

Communicate and increase awareness of the role of whistleblowing, the proper treatment of whistleblowers and the availability of whistleblowing protection consistent with the Protected Disclosures legislation

**Annex 2: Civil Society Priorities Tabular Response** (For better view, click orientation tab, and then landscape)

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| **Theme** | **Commitment** | **High Level Commitment Category** | **DPER Colour Code from Second Tabular Response** | **DPER Comments from Second Tabular Response** | **DPER Colour Code from First Tabular Response** |
| **Accountability** | 1.01.1 | Mahon and Moriarty Tribunal Reports | Green | Assessment: Possible Action along lines  Develop and enact legislation reforming the current statutory framework for ethics requirements applying to public officials, consolidating, simplifying and modernising current legislation and implementing the recommendations of the Final Report of the Mahon Tribunal as well as drawing on international good practice in this area.  Theme: Rebuilding public trust in Government – strengthening governance and accountability |  |
| 1.02.2 | Comptroller and Auditor General | Amber | Assessment: Objective underlying civil society recommendation (i.e. enhance and strengthen the powers of the C&AG) included in the Programme for Government. Timeframe for implementation needs to be determined to assess whether the commitment is appropriate for further consideration. |  |
| 1.07 | United Nations Convention against Corruption (UNCAC) | Red | Assessment: proposal largely implemented – not appropriate for inclusion in the NAP |  |
| **Citizen Participation** | 2.09 | Citizen Participation Strategy as part of local government reform & Aarhus | Green | Assessment: Action possible related to strengthening citizen participation. Further consideration required of how the draft action might best be formulated.  Theme: Strengthening citizen participation – greater citizen consultation and involvement in decision-making and to improve public services |  |
| 2.16 | Citizen Participation in Legislation and Engagement | Green | Action related to this recommendation could be included in NAP. Consideration would, however, be required of the nature of the action in specific terms.  Theme: Strengthening citizen participation – greater citizen participation and involvement in decision-making and to improve public services |  |
| 2.11 | Participatory Budgeting | Red | Principle is consistent with policy approach reflected in the relevant legislation but timeframe for implementation not expected to be consistent with that required for NAP. |  |
| **Open Data & Technology** | 3.01 | Postcodes | Green | Draft action for inclusion in NAP intended in this area. Specific terms of the draft action require further discussion and analysis.  Theme: Open Data and Transparency – opening up Government data for greater accountability, improving public services and economic growth |  |
| 3.02 | Release of specific datasets | Green | Draft action for inclusion in NAP intended in this area. Specific terms of the draft action require further discussion and analysis.  Theme: Open Data and Transparency – opening up Government data for greater accountability, improving public services and economic growth |  |
| 3.03 | Apply 'Open' Definitions to published data sets (ODI, G8 & OKF)+ role/institute/person in place to monitor | Green | Draft action for inclusion in NAP intended in this area. Specific terms of the draft action require further discussion and analysis.  Theme: Open Data and Transparency – opening up Government data for greater accountability, improving public services and economic growth |  |
| 3.04 | G8 Open Data Charter | Green | Draft action for inclusion in NAP intended in this area. Specific terms of the draft action require further discussion and analysis.  Theme: Open Data and Transparency – opening up Government data for greater accountability, improving public services and economic growth |  |
| 3.05 | Timely release of data | Green | Draft action for inclusion in NAP intended in this area. Specific terms of the draft action require further discussion and analysis.  Theme: Open Data and Transparency – opening up Government data for greater accountability, improving public services and economic growth |  |
| **Transparency** | 4.05 | FOI | Green | Action possible along lines  Complete passage of FOI Bill through the Oireachtas and enact legislation and promote best practice in implementation through Code of Practice for FOI  Theme: Rebuilding trust in Government – strengthening governance and accountability |  |
| 4.06 | Amber | Issue of FOI fees is currently under consideration by Minister. |  |
| 4.11 | Legislative transparency | Red | Recommendation relates closely to Government policy in this area. A number of measures are being taken to implement the proposed approach. The recommendation does not therefore seem approach for inclusion in the NAP. |  |
| 4.13 | Official Secrects Act | Amber | Further information required on proposed timeframe and whether it is consistent with timeframe for OGP NAP  Theme: Rebuilding trust in Government – strengthening governance and accountability |  |
| **Building OGP Capacities** | New | Open Data principles and best practice apply to all NAP action points. | New |  |  |
| New | Capacity Building across areas that underpin the NAP | New |  |  |

Colour Key from **first Tabular Response**

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| **Green** | Civil society proposal is essentially currently being implemented (as part of a current Government initiative) or is  expected to be implemented (as part of a planned or possible future initiative). |
| **Amber** | The objective / aim of the civil society proposal is being addressed under a current / expected future Government initiative. |
| **Red** | Civil society proposal is not recommended for implementation. |

Revised Colour Key from **Second Tabular Response**

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| --- | --- |
| **Green** | Action possible for inclusion in plan – though further work may be needed on specific wording of action |
| **Amber** | Further consideration and analysis is needed to consider whether action is appropriate for inclusion |
| **Red** | Civil society proposal is not recommended for implementation. No further consideration |