



# **Roadmap for Open Government in Poland**

## **Summary report**



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# The Idea of Open Government

## 1. Introduction

Open government is a programme of reforms which aims to increase the transparency and effectiveness of public administration and to increase the involvement of the citizenry in governing and solving problems.

This requires sharing information and knowledge with the citizenry, as well as opening up administrative procedures which will enable cooperation between citizens and government and will facilitate the common activity of departments and public institutions. For this purpose, open government uses digital technologies and network communication.

The idea of increasing government openness is connected to four related change processes which we are witnessing. First of all, technological changes related to the development of the Internet in the last decade of the 20<sup>th</sup> – but most importantly in the first decade of the 21<sup>st</sup> – century: the development of social media and open cooperation, production and content distribution models. Secondly, the postulated transformations of democracy, from the representative democracy typical of the 20<sup>th</sup> century to participatory democracy. Thirdly, the changes in public administration as it looks for new models to ensure its effectiveness. And finally, demographic changes – the appearance of “digital generations” accustomed from a very young age to using new communication platforms and also to involvement and cooperation.

Activities corresponding to this new governance model have already been taken up for several years, with the pioneers in this area including public administration in the United States, the United Kingdom and Australia. The memorandum on transparency and open government signed by Barack

Obama soon after taking office<sup>1</sup> may be considered a symbolic moment in this respect.

In the European Union, the elements of open government appeared in the Visby Declaration of 2009<sup>2</sup> and the Digital Agenda for Europe developed on its basis<sup>3</sup>. Particular member states are also taking steps related to this model. Finally, the open government idea is being implemented by a number of local authorities – both in large metropolia such as New York, London and Hong Kong, and also by small local government units.

According to open government's assumptions, the state and public administration on all levels should be as open and available to a citizen's 'viewing' as possible. This pertains in the first priority to free access to documents and data generated by public institutions. Another feature of the new model is the assumption of openness of the administration to cooperation and communication with citizens – one may say that the authorities are to be more 'interactive'.

### **From e-administration to open government**

The open government idea is a new paradigm, as compared to the electronic administration concept. Both models employ digital technologies in order to develop a new generation of public services. However, here the similarities end. The philosophy of developing services is different – the aim of the new model is not to make them more efficient, but to change the governing model itself. Moreover, it assumes much more citizen participation.

The breakthrough which provided an alternative solution to e-administration was the establishing of new-generation websites based on the Web 2.0 philosophy, frequently referred to as social networks. This model assumes higher involvement of users and co-creation of content or services by them. From the web counterparts of broadcasting media that offered their

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<sup>1</sup> [http://www.whitehouse.gov/the\\_press\\_office/TransparencyandOpenGovernment/](http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment/)

<sup>2</sup> [http://ec.europa.eu/information\\_society/eeurope/i2010/docs/post\\_i2010/additional\\_contributions/conclusions\\_visby.pdf](http://ec.europa.eu/information_society/eeurope/i2010/docs/post_i2010/additional_contributions/conclusions_visby.pdf)

<sup>3</sup> [http://ec.europa.eu/information\\_society/digital-agenda/documents/digital-agenda-communication-en.pdf](http://ec.europa.eu/information_society/digital-agenda/documents/digital-agenda-communication-en.pdf)

audiences ready-made and edited content, websites evolved into a space which enables users to create and communicate their own content.

Originally citizens and politicians took advantage of these new tools, but with time also public administration started to use these media, despite a certain lag in the implementation of new solutions by public administration in comparison to the commercial sector and bottom-up projects. Soon though, these activities started to be defined as a model of using digital technologies which is separate from e-administration and is sometimes referred to as "government 2.0". According to the simplest definition, it assumes the use of technology – especially that supporting cooperation – to ensure more efficient solving of common problems on local, state, national and international levels. The efficiency of operations the definition refers to is achieved in this model precisely thanks to the involvement of citizens in the governing process, and not by simple implementation of electronic services.

The difference between the two models of functioning of state is of fundamental importance. Traditionally, there is a distance between the administration and the citizenry – for the purpose of maintaining its independence and effectiveness – from this position the administration offers certain information and services. An alternative solution is a model focusing on consulting decisions and citizens' participation in activities.

### **Towards participative democracy**

The open government model may be also perceived as a transformation from representative democracy to participative democracy. The 20th century democracy limited the participation in democracy to participation in voting, participation in interest groups and, potentially, involvement at a local level. Other forms of participation, especially those potentially on a mass scale, were impossible due to the lack of appropriate communication technologies (which are available today). It was also related to the decision-making philosophy: it was assumed that although citizens may be capable of expressing their individual opinions, they were unable to make conclusive decisions with respect to complex issues related to governing.

According to open government's supporters, the solution is to 'open' the

decision-making process. Thanks to this change, public administration, supported by the intelligence of the citizens, is able to govern complex reality.

However, participation cannot be limited to deliberation – the cooperation means a division of tasks between clerks and citizens and common pursuit of a common goal. Beth Noveck suggests the term “collaborative democracy”<sup>4</sup>. She uses this term to refer to a process in which technologies – primarily the digital ones – are applied to improve the results of governance by taking advantage of the expertise of volunteers cooperating with each other in open networks.

To the critics of participation who think that citizens are not capable of participating in making politic decisions, the idea of active participation of citizens in implementation of such decisions may seem shocking. Nevertheless, open cooperation models developed in IT environments and such projects as Wikipedia prove that in the masses of citizens, we may find persons with relevant competencies, if we only allow them free involvement and work.

Additionally, the economic context of previous years is important to the development of the idea of open government. The crisis experienced by many states in this period has become a significant stimulus for reforms for many national administrations.

## Open government in the world

Publikacja końcowego raportu “Power of Information Taskforce”	Publication of the final “Power of Information Taskforce” report
Tim Berners-Lee i Nigel Shadbolt wybrani jako doradcy rządu brytyjskiego ds. otwartych danych	Tim Berners-Lee and Nigel Shadbolt appointed as advisors on open data of the British government
Publikacja „Power of Information Review” i stworzenie zespołu „Power of Information Taskforce”	Publication of “Power of Information Review” and establishing the “Power of Information Taskforce”
Uruchomienie portalu data.gov.uk w wersji beta	Launch of the beta version of the data.gov.uk site
Zamówienie raportu „Power of Information Review”	Commissioning the “Power of Information Review” report
Kampania „Free Our Data” Guardian	Guardian’s “Free Our Data” campaign
Konkurs	“Show Us a Better Way” competition

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<sup>4</sup> Noveck, B. S. (2009). Wiki Government: How Technology Can Make Government Better, Democracy Stronger, and Citizens More Powerful. Brookings Institution Press.

„Show Us a Better Way”	
Ogłoszenie „Smarter Government: Putting the Frontline First”	Announcing “Smarter Government: Putting the Frontline First”
Uruchomienie pełnej wersji portalu data.gov.uk	Launch of the full version of the data.gov.uk site
Powstanie portalu z danymi District Columbia (pierwszego portalu tego typu)	Development of a site with the District Columbia data (the first website of this type)
Konkurs „Apps for Democracy” w District Columbia	“Apps for Democracy” competition in District Columbia
„Memorandum on Transparency and Open Government” prezydenta Obamy	Obama’s “Memorandum on Transparency and Open Government”
Powołanie „Government 2.0 Taskforce”	Appointment of “Government 2.0 Taskforce”
Publikacja „Declaration of Open Government”	Publication of “Declaration of Open Government”
Uruchomienie portalu data.gov	Launch of the data.gov website
Wydanie „Open Government Directive”	Publication of “Open Government Directive”
Formalna odpowiedź rządu australijskiego na raport „Government 2.0 Taskforce”	Formal response of the Australian government to the “Government 2.0 Taskforce” report
Publikacja raportu „Engage: Getting on with Government 2.0”	Publication of the “Engage: Getting on with Government 2.0” report

## 2. Values

Frequently mentioned key values for the open government model include **transparency, participation and cooperation**.

We suggest supplementing the list with two additional values. The first is **effectiveness**, a value also of high importance to the previous activities aimed at public administration reforms. The second value is **openness**, treated as a foundation for the remaining values and a component of all activities for open government. We also suggest speaking of **involvement** instead of **participation**, as **involvement** comprises both **participation** and **cooperation**. The diagram below illustrates the relationship between the five key values:

**Transparency** includes: access to government documents and information, in particular information on the legislative process, transparency of procedures and the decision-making process, as well as transparency of financial aspects of administrative activities. Transparency enables verification



of actions taken up by public institutions and allows citizens to trust politicians and institutions. From the perspective of organisations watching transparency, this value is also important because it enables identification of shortcomings in the governance process. Today, the implementation of the transparency rule is cheaper, easier and more effective thanks to the possibilities offered by the Internet and digital technologies. A key factor which determines the transparency of power is not only the availability, but also the quality of the information.

**Involvement** is a broad term which may be used to describe the citizenry's participation in the governing process. It comprises two basic constituents: participation and cooperation. **Participation** has been traditionally defined as the citizens' participation in the process of the authorities' decision-making process<sup>5</sup>. It primarily includes social consultations, although it is a top-down involvement form initiated by public institutions. On the other hand, **cooperation** includes activities which aim to obtain actual influence on the governing process, and first of all an effective solution to common problems, which goes beyond the participation in decision making in the narrow sense. These are usually bottom-up initiatives where the citizens, organisations or commercial entities initiate cooperation with public institutions.

Focus on cooperation as one of the key values of open government gives hope for increasing an administration's effectiveness. Higher **effectiveness** results from admitting external experts to the decision-making process, thanks to the open model which allows for more effective matching of expertise and challenges than traditional methods such as tenders and contracts. The effectiveness principle is implemented mostly due to the application of a broad range of tools facilitating communication and also thanks to administrative reforms which make internal administration structures leaner, as in the case of network organisations. Solutions facilitating effective information exchange and management of common

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<sup>5</sup> Długosz, D., & Wygnański, J. J. (2005). Obywatele współdecydują. Przewodnik po partycypacji społecznej.

knowledge may be implemented both inside a public institution and for the purpose of external communication.

Another tool which aims at increasing effectiveness is making public resources available, and, most importantly, enabling their reuse. Open public resources may be the basis for activities which generate new economic and social value.

**Openness** is a traditional value, yet in the open government model the emphasis is put on its various aspects. Activities which aim at openness contribute to government transparency and facilitate cooperation between the government and citizens (as well as the internal cooperation of the administration employees). The two key forms of such openness are the openness of public resources (with legal and technical aspects given the biggest attention), and the openness of administrative procedures. Openness is connected to effectiveness – by taking inspiration from open cooperation models, the open government philosophy assumes the openness of administration will generate new added value created by external entities.

Openness – both as a form of transparency and availability of resources and a condition for participation – is gradable. Moreover, both dimensions of openness are interrelated – availability and the possibility of using public resources are factors which facilitate cooperation.

Therefore, when speaking of openness of government, one should consider openness understood both as transparency (disclosure of information and creating conditions in which such information may be reused) and “interactiveness” (creating a platform for civic involvement and possibility for participation of many entities in the decision-making processes in administration). Though transparency is commonly recognised as an inseparable element of good governance, the latter element is still a novelty.

The open government idea also presumes a care for the right to information and right to knowledge, which are considered basic rights. The implementation of open government also means formulation of new civic rights. In the United Kingdom a discussion is currently pending on

development of a separate “right to data”.

### **3. Two directions of actions**

The e-administration concept assumes that the government’s task is to develop public web services that are available to the citizenry.

The open government model is based on a different assumption – that public resources and services should be co-created in cooperation with the second and third sectors. Consequently, open government may be implemented both in a top-down and bottom-up method, though the most effective solution is a combination of the two.

In the first case, activities are taken by the central administration at the initiative of persons in the highest positions in state. In the second case, open government tools and principles are implemented by non-governmental organisations, groups of citizens, private companies or even individuals.

As far as the possibility of implementing top-down reforms, it is quite obvious that bottom-up implementation of an administrative reform may seem paradoxical. This is directly related to the concept of citizens’ involvement not only in participation in decision-making, but also in cooperation throughout the governance process.

The open government model even assumes that entities independent of the public administration will develop open government tools, while the task of the administration is only to ensure raw resources. As Carl Malamud said<sup>6</sup>, the Internet caused a revolution in the operation of governments, enabling the citizens, and not only the clerks and bureaucrats, to use the “government machinery”.

#### **The role of particular actors in implementation of the open government concept**

Public administration must get involved in creating open government, but the activities taken up by it are frequently inspired by projects carried out

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<sup>6</sup> <https://public.resource.org/currents/>

by citizens and non-governmental organisations.

Top-down activities include first of all changes to procedures and legal frameworks which enable implementation of the open government methods and making public resources available. This bottom-up model is the place where the innovative tools supporting openness and based on public resources are created.

Local administrations which maintain direct contact with their citizens may also play an important role. Taking various stakeholders into account, we must remember that the open government model does not only include processes between the state and citizens, but also processes taking place inside the administration, and even between citizens.

On the highest level, an important role is played by leaders who understand the significance of this issue and are capable of imposing a fast pace of changes. This was the case in the United Kingdom and the United States where the implementation of open government strategy was inspired by their state leaders – charismatic advisors can turn out to be equally important. This was especially manifest in the United Kingdom, where Tim Berners-Lee, the creator of the World Wide Web and expert on technical aspects of open government, became an advisor of British prime minister Gordon Brown. A frequent motivation is the impulse for reform caused by the necessity to increase the effectiveness and reduce the operational costs of administration, and also the need to increase the transparency of its activities<sup>7</sup>.

Although an open government policy implementation framework must be specified at a central level, the force driving the openness is local activity. First of all, this is due to the fact that the citizens' involvement at this level is the highest, while the availability and usefulness of public services is of special importance. The open government model is implemented first of all by

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<sup>7</sup> Hogge, B. (2010). Open Data Study, Open Society Institute.  
[http://www.soros.org/initiatives/information/focus/communication/articles\\_publications/publications/open-data-study-20100519](http://www.soros.org/initiatives/information/focus/communication/articles_publications/publications/open-data-study-20100519).

municipal authorities – especially in the case of the biggest cities, where local scale activity clashes with the high complexity of processes managed by the administration.

Meanwhile, non-governmental organisations implement exemplary projects paving the way for open government implementation, which are frequently applied later on by the administration. The third sector also puts pressure on the government to become more open. This was the case in the United Kingdom, where the third sector initially acted toward increased openness in opposition to the administration. However, the developed solutions have quickly gained appreciation of the authorities and were employed as prototypes of future government solutions.

Also, the activities of particular individuals may provide a significant impulse for the development of open government methods. James Crabtree uses the term “civic hacking”<sup>8</sup>, to describe bottom-up activities employing digital technologies for the purpose of self-assistance and self-governance of cooperating citizens. “Civic hackers” create bottom-up solutions supporting civic society. Their role is important not only to the authors of open government policies, but also to a broad spectrum of citizens: these ‘2.0’ citizens become promoters of openness in their society.

In the case of bottom-up activities, large scale projects frequently pose a challenge – the success usually involves commercialisation of activity in a small start-up company model, which specialises in open government tools. There are also examples of small non-governmental organisations specialised in work of this type.

Business units traditionally take advantage of public information, to create added value in certain market values on this basis. Therefore, commercial companies may also participate in the process of creating open government, by getting involved in co-development of public services and tools. However, this requires them to assume open government values and standards of operations.

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<sup>8</sup>

<http://www.opendemocracy.net/debates/article-8-85-1025.jsp>

## Open government implementation

The analysis of the open government implementation process in various countries shows that the strategic goals set by the governments in relation to this model vary from state to state. The authors of the *Open data: an international comparison of strategies*<sup>9</sup> study list three basic motivations: the increase of democratic control of the government and civic participation, the increase of innovativeness of public services, reinforcement of the law enforcement process.

At the same time, it has been shown that a combination of similar tools is used in all cases: training and educational activities (such as platforms of internal knowledge exchange in administration), implementation of voluntary solutions (by strategic programming and recommendations for public institutions), financial tools (to finance open government tools, such as data catalogues, and supporting the process of using public resources) and legislative tools.

In the *Open Data Study*<sup>10</sup> report, Becky Hogge shows that also the involvement and cooperation of various levels of public administration, as well as the contribution by the second and the third sectors played a key role in all countries.

In this section we present particular types of activities implementing the open government idea. The chart below shows the relationship between these activities and the open government values described above. Below, as a reference point, we also included activities performed within the traditional e-administration model.

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<sup>9</sup> Huijboom, N., & Broek, T. V. D. (2011). Open data: an international comparison of strategies. *European Journal of e-Practice*, (April), p. 1-13.

<sup>10</sup> Hogge, B. (2010). *Open Data Study*, Open Society Institute.  
[http://www.soros.org/initiatives/information/focus/communication/articles\\_publications/publications/open-data-study-20100519](http://www.soros.org/initiatives/information/focus/communication/articles_publications/publications/open-data-study-20100519).

## 4. Opening access to information and resources generated by public entities

Ensuring openness of broadly understood public information resources is one of the basic aims of open government.

We may distinguish several types of resources, referred to as public information or public sector information. We distinguish here **documents and official materials** – traditionally basic forms of public information (for instance content of legal acts, but also reports, expert opinions and other studies), **information on governing processes** taken up on the basis of these documents (for example the course of the legislative process or results of voting in the parliament); and, finally, **raw data collected or generated by the administration**, which may be treated as a basis for the two types of information listed before.

The open government model puts emphasis on ensuring access to raw, unprocessed data as a special type of public information. In this case, much more than in the case of traditional public information, the conditions for use gain importance.

The openness of public resources is a necessary condition for implementation of all key values of open government. The data on functioning of administration (for example its expenditures) are the basis for transparency of governing and a condition for effective participation of citizens in the governing process. Simultaneously, the possibility of analysing the data enables us to increase the effectiveness of public administration and to obtain budget savings. Generating services and knowledge on the basis of public resources is one of the latest forms of civic involvement and cooperation between the citizens and the government, which is based primarily on data. Obviously, the data is also used to create added value in the form of services by commercial entities.

## Open data

Our times are referred to as the *Big Data* age<sup>11</sup>: our capacity of collecting, storing, analysing and transferring data has increased significantly. At the same time, data is more and more frequently treated as an economic asset, equally valuable as capital or workforce, and according to some experts one may already speak of entire new data-centric sectors of economy being born.

Public data may play here a special role. As a common resource, and due to high availability, they may be used as a basic public infrastructure with the same importance as road or power infrastructure. It is also worth mentioning that public institutions are the biggest producers of information (along with some commercial companies). The state is almost a monopolist when it comes to managing a large share of assets, for example geographical, statistical or legal data.

The importance of openness as a feature which allows for boosting the benefits from the use of data is emphasized not only in relation to the data of public institutions. Similar arguments are raised more and more frequently also with respect to science, in connection to all research data.

## Which resources should be opened?

Making all public resources available is neither possible nor necessary or recommended. Therefore, the open government concept does not assume total transparency of public administration. The emphasis is put on reducing the barriers limiting the availability of the resources for the data with respect to which there are no contraindications as to making them publicly available. It is also assumed that it is a gradual process, also due to the costs of data development and making it available. Consequently, first of all, the resources of particular value and usefulness should become part of the public domain.

The *Open Data, Open Society*<sup>12</sup> lists the following data types: geodata,

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<sup>11</sup> [http://en.wikipedia.org/wiki/Big\\_data](http://en.wikipedia.org/wiki/Big_data)

<sup>12</sup> Fioretti, M. (2010). *Open Data , Open Society*. Laboratory of Economics and Management of Scuola Superiore Sant'Anna, Pisa. [http://www.dime-eu.org/files/active/0/ODOS\\_report\\_1.pdf](http://www.dime-eu.org/files/active/0/ODOS_report_1.pdf)



demographic data, elections results, data on energy generation and consumption, budget and tax data, data on business activity, data on environmental protection and pollution, health-related data, legal data, educational data. The authors of the *Measuring European Public Sector Information Resources*<sup>13</sup> report reached similar conclusions and listed the following key data types: business, geographic, legal, meteorological, transport information. The American Sunlight Foundation<sup>14</sup> perceives the usefulness of data in a slightly different way, taking into account primarily the transparency issue: the documents it considers the most important are legislative documents, particularly before they come into effect as legal acts, the documents politicians are obliged to submit and information relating to incomes, supervision or corruption.

### **What does data openness mean?**

Ensuring data openness is a necessary condition for the implementation of the open government model, while the final goal of the process is to increase the scale of using public resources (for various purposes). Openness should be understood as reducing legal, economic and technical barriers and active (that is not prompted) disclosure of data by the public administration.

In the recent years the general principle of data openness has been translated into precise data openness standards, such as American *Open Government Data Principles*<sup>15</sup> and *Ten Principles for Opening Up Government Information*<sup>16</sup>, as well as Georgian *Ten Open Data Guidelines*<sup>17</sup>. The most important standards include:

- Data completeness;

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<sup>13</sup> Dekkers, M., Polman, F., te Velde, R., de Vries, M. (2006). *Measuring European Public Sector Information Resources*.  
[http://www.epsiplus.net/psi\\_library/reports/mepsir\\_measuring\\_european\\_public\\_sector\\_resources\\_report](http://www.epsiplus.net/psi_library/reports/mepsir_measuring_european_public_sector_resources_report)

<sup>14</sup> <http://sunlightfoundation.com/>

<sup>15</sup> [https://resource.org/8\\_principles.html](https://resource.org/8_principles.html)

<sup>16</sup> <http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>

<sup>17</sup> <http://www.transparency.ge/en/ten-open-data-guidelines>

- Disclosure of basic data;
- Disclosure of current data;
- Data availability;
- Enabling machine data processing;
- Ensuring access to data without any discrimination;
- Application of non-proprietary formats;
- Making the data available without redundant licenses;
- Data durability;
- Data search possibility.

Plainly speaking, open data means resources which may be found (thanks to the search options available via net), used for work (thanks to the machine processing possibility) and made available to others (thanks to the lack of legal restrictions).

### **Implementation of public resources openness**

Full opening of the public resources is a process which requires the following steps to be taken: identification of the existing resources which have been or may be made available, preparation of resources and guarantee of their quality, followed by disclosure in compliance with open standards. The process also includes specification of the rules for disclosing resources generated by public administration in the future.

In the states where the data openness principle is implemented, this process usually comprises the following elements:

- Development of a strategy for opening public data along with specification of openness standards;
- Preparation of a public data catalogue forming a unique access point for all data;

- Supporting the process of making the data available by particular public institutions along with data preparation (and sometimes also digitalization from an analogue form).

This process, due to obvious constraints, is of gradual nature. It is a consequence of limitations related to the costs of data disclosure, quality of the available data and the quantity of work required to make the data available.

A public open data symbol and a flagship project within the process of open data development are public data catalogues, made available by the public administration. The most frequently referred examples of such catalogues include the American data.gov catalogue and its British equivalent data.gov.uk. During the last two years more than a dozen of national catalogues were developed, along with numerous catalogues at a local (primarily urban) level, as well as catalogues run by international institutions (as the World Bank).

### **Case study – data.gov website**

Data.gov is a catalogue of all data sets made available by the American public administration. The purpose of the catalogue is not only to facilitate access to public resources – it also enables running coordinated activities which persuade institutions to open their resources.

When it became part of the public domain, data.gov included 76 data sets and tools for data processing, which were voluntarily made available by eleven various institutions. The emphasis is put on the so-called high value information, which may be used to increase the accountability of institutions and to support their mission, to increase public awareness concerning the operations of administration, to support entrepreneurship or respond to the needs identified in the course of social consultations.

Currently, the data.gov catalogue includes more than 3,200 data sets (2,000 of which are described as high quality data), 930 tools, and, additionally 376,000 geodata sets. These resources are made available in standard formats (which enable machine reading) and marked with metadata; consequently, the

website meets the data openness standards described above.

### **The use of public resources**

To obtain the benefits from openness of resources such as higher transparency of the state activity and the increase of civic involvement in the state issues, the resources must be not only available, but also used. This is why the so-called “mash-up” services based on raw public data are so important. Mash-up means a creative combination of two or more elements – data in this case – with an innovative idea for their application. A classical example is the HousingMaps<sup>18</sup>, service which has been operating Since 2004 and is a combination of Google Maps with data on the real estate market based on housing advertisements from the Craigslist site<sup>19</sup>..

The government’s task is only to supply raw resources – frequently the administration cannot compete with commercial units or innovative entities in developing modern web solutions. Contrarily to the e-administration model, open government assumes that many public services will be created outsider administration. Consequently, restraints concerning innovativeness in the form of administrative requirements are avoided. Moreover, the effectiveness of projects increases as their costs may be reduced.

## **5. Opening the process of communication and participation and cooperation between citizens and the government**

In the following years, advanced electronic communication tools will become dominant interaction channels between citizens and the government in developed countries.

The increasing number of active Internet users, fast development and

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<sup>18</sup> <http://www.housingmaps.com/>

<sup>19</sup> <http://www.craigslist.com/>

high popularity of social tools motivate many administrations to analyse the effectiveness of the communication platforms used up to date. Governments must turn towards citizens and be present in their everyday operations. If we consider behaviour patterns, especially in the case of younger generations, we must conclude that the communication forms used up to date and the mass media will not suffice for this purpose. Public administration should start taking advantage of such communication channels as social networks, websites supporting remote cooperation or mobile applications.

Switching to the new operational model poses a real challenge for administration who must verify their information policy and in most cases reform it completely. Administration follows the path previously set by the Internet users and developers of commercial services who have already verified relevant solutions and now actively put them into practice.

The administration's opening for communication is a basic step towards building a broader culture of openness. The Australian declaration on open government considers opening of the administration to the internet communication a key reform for the increase of openness, transparency and accountability of administrative activities. Communication should be understood in a broad sense, as a process comprising a full range of forms of society involvement in the governing process: from unilateral information, through mutual communication and consultation, to civic participation in the decision-making or even transferring the decision process to the citizens.

A fully implemented open government model should combine two perspectives: broad contact with citizens in their everyday communication environment and closer cooperation with a narrow group of involved persons and institutions. Additionally, the crowdsourcing model assumes that the first mass activity is a method which allows for reaching this narrower group and its identification.

## **Clerk 2.0**

The emphasis on changes in the internal operation of administrative structures is an important element of the open government strategy. It involves different perception of the clerks' role, as they gain more autonomy

and performative function. A government change is based primarily on the assumption that new communication technologies may be used to flatten the hierarchical organizational structure and enable also the employees to take advantage of web-based cooperation. Open government is the employee-centric government which revises current internal procedures and sets new operational limits, offers efficient cooperation platforms, focuses on real results, stimulates creativeness and rewards innovation, reinforces the sense of responsibility of the clerks.

The transformation of administration will not be effective if it is limited to the implementation of even the most advanced technological solutions, without simultaneous verification of the organisational culture of institutions. Internal changes should include opening to external information sources and creating informal cooperation forms. Employees should take advantage of all information sources available and should not be afraid of using internet forums or social networks. Another important factor is the cross-departmental cooperation which may be supported by the internal use of Web 2.0 tools: sites supporting group work or common knowledge bases.

### **Case study - GovLoop**

The GovLoop Internet website<sup>20</sup>, also referred to as “Facebook to clerks”, has become the symbol of the Web 2.0 revolution in the American administration. The website was created as an alternative solution to stiff hierarchical administrative structure, in which the idea and information exchange between employees working in different departments was practically impossible. GovLoop serves primarily as a platform for discussion and exchange of thoughts, while the service also offers job agency and consulting services.

GovLoop has turned out to be an effective tool and has received positive reception of American administration employees. The website members are recruited on many various levels: they include the White House employees, managers from municipal authorities and regular local level clerks.

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<sup>20</sup> <http://www.govloop.com/>

Already during the first year of operation, a dialogue between federal and state agencies, which could not have been established before, was initiated within GovLoop.

## **Citizens 2.0**

The new generation of citizens lives immersed in the web environment of communication and cooperation. These persons perceive the role of government and public institutions in the society in a different way, expecting efficient, fast services adjusted to their new needs. The “Citizens 2.0” have access to the same technologies as public administration – in certain situations they decide themselves to ensure higher transparency, involvement or openness of the government.

The role of governments in developed societies is being transformed – the service provision function which has been dominant until now is being replaced by regulatory function. In the view of significant budget limitations, it requires from public administration the ability to adjust to the necessity to carry out complex tasks with limited resources. The regulatory function of government will additionally evolve as a result of increased activeness of the citizens who have access to the information exchange tools and platforms, Activities taken up by individuals on a bigger and bigger scale with the aim to protect private and group interest undermine the supreme role of the government responsible for the protection of citizens. As a result of these changes, enabling the citizens to get involved in the governing process becomes necessary.

## **Citizens as a source of opinions**

Social consultations of decisions issued by public authorities are a traditional and basic form of civic involvement. This is why they may be treated as a starting point for other, more innovative activities. The open government concept puts emphasis on implementation of fully open and public consultations – by showing the role digital technologies and new forms of web communication may play.

In the past, a limited scope of consultations carried out with participation of a selected group of entities was justified by costs of reaching

them in an analogue way. Low cost, the possibility to easily publish the materials online and the interactive communication options enable open and public consultations.

In order to take advantage of this potential and involve a broader group of citizens, the reforms of the consultation process cannot be limited to implementation of standards and technologies. It is also necessary to present decisions in an accessible way, for example by publishing summaries of official documents. It is also necessary to develop methods of aggregating opinions, so that their increased quantity did not result in the decreased effectiveness of administration and to avoid a situation where the administration employees treat it as an additional burden. It may be achieved by usual questionnaires or IT solutions which allow for collecting opinions dispersed in the web automatically. The last significant factor which contributes to the improvement of quality of consultations online is the involvement of the administration employees – the consultation period should be the period of active debate. Modern participation projects also apply Web 2.0 type tools – one example may be the use of wiki systems and the Wikipedia work model to comment or directly edit such documents, as spatial development plans or drafts of legislation.

### **Citizens as a source of knowledge**

The change of the external model of government operation and opening to the contact with citizens also involves extending the range of methods used by the government for gathering expertise. As until now, the external experts have been the source of expertise in the case of necessity to obtain additional specialist information. A closed elite of selected specialists has provided consulting services to administration. The open government idea, which derives experiences also from more flexible solutions, using high potential of new technologies for knowledge aggregation assumes, that the most important resource of a state are its citizens. Therefore, the use of this potential is one of the most important challenges faced by modern administration.

The Web 2.0 platforms enable two-sided information flow and



aggregation of common knowledge between the administration and citizens. Such websites as IdeaScale<sup>21</sup>, which aggregate the citizens' suggestions and opinions concerning various subjects, are a perfect source of knowledge, sometimes also of specialist nature, which has previously been unavailable to the decision-making authorities. Public opinion which has not been treated as an equal partner in the decision process so far, gains the position of a partner of formal decision makers.

### **Case study: Peer-to-Patent**

The Peer-to-Patent<sup>22</sup> project aims to open the process of patent applications assessment. The stimulus for the initiative was the increasing inefficiency of the American patent office which was unable to cope with growing number of applications. The project resulted in the development of special software, which allows for involving people from the outside into the process of reviewing applications. The collected opinions are analysed by a patent expert, who finally approves the application.

During the first test project implementation, the internet users had the possibility to express their opinions as to 250 patent applications submitted by such companies as CA, Hewlett-Packard, General Electric, IBM, Intel, Microsoft, Oracle, Red Hat, Yahoo. Apart from adding their own comments, the external reviewers could also assess the materials sent by the others and discuss them on a special forum.

### **Citizens as a source of solutions**

The involvement of citizens in cooperation with the government may take two forms. On one hand there are competitions which aim to provide solutions to specific challenges identified by the administration. Those competitions form an open alternative to a traditional tender model, and their effects may be treated as the extension of the scope of citizens' participation in the decision-making process – from the level of consulting solutions to the earlier stages of their development. On the other hand, there are activities

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<sup>21</sup> <http://ideascale.com/>

<sup>22</sup> <http://peertopatent.org/>

concerning the development of services on the basis of available public resources – or, alternatively, services of public nature of aiming at communication with public entities.

This process is described by David Boyle and Michael Harris, who use the “co-production theory”<sup>23</sup>; it means provision of public services in a mutual relationship between public services, people using the services on a daily basis and their families and neighbours. According to the authors, real society must be based on the principle of mutuality, otherwise it is sentenced to atrophy. By involving people in creating solutions to the benefit of the society, co-production shifts the burden of power, responsibility and control of resources from public entities to individuals.

### **Case study: Ushahidi**

Ushahidi<sup>24</sup> (in Swahili – ‘a testimony’) is an IT tool which presents information submitted via mobile phone or a website on a map. It was developed to enable the monitoring of the acts of violence after the presidential elections in Kenya in 2007. Since that time, it has been implemented dozens of thousands of times worldwide, as a supporting tool in crisis situations.

Ushahidi has been used, inter alia, in India, to monitor the course of the elections, in Africa, to visualise the shortage of medicine, during the earthquake on Haiti and also in Poland, during the 2010 flood. The Ushahidi platform is an open tool which allows not only for existence of a network of organisations which take advantage of it, but also a network of active co-creators developing the system.

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<sup>23</sup> Boyle, D., & Harris, M. (2009). *The Challenge of Co-production*.  
[http://www.nesta.org.uk/publications/reports/assets/features/the\\_challenge\\_of\\_co-production](http://www.nesta.org.uk/publications/reports/assets/features/the_challenge_of_co-production).

<sup>24</sup> <http://www.ushahidi.com/>

## **6. Diagnosis of the context of open government implementation in Poland**

Although Polish administration does not refer directly to the open government concept, it started to gradually introduce the implementation of solutions which promote openness.

Such values as transparency, effectiveness, involvement and cooperation with the citizens more and more often gain importance in the work of Polish administration employees, at least at the level of declarations.

The quantity and quality of information made available by the authorities on BIP websites, on the internet pages of particular institutions and also in response to applications has been increasing at a geometrical pace. Both central and local authorities more and more frequently consult the citizens, sectoral organisations or NGOs with respect to legal acts, important decisions and plans. Also the cooperation within the administration, between public administration units has been improving. Year after year, a significant progress may be observed in nearly all areas.

However, despite optimistic conclusions concerning constant progress, one should remember that when it comes to openness, the starting point for Poland was very low. The activities towards the increase of transparency, accountability and effectiveness of operations of the Polish government are still needed.

### **Main barriers on the way to the open government in Poland**

The analysis of numerous partial studies in this area as well as interviews carried out with observers both outside and inside administration allow for distinguishing four main barriers hindering further effective opening of Polish administration. These include:

1. The lack of a general vision, which would unite partial projects under

implementation and the inconsequence and disorder in the pursuit of the assumed goals;

2. The administration system divided into departments and not by tasks with central weak coordination;
3. Vicious circle of mutual lack of trust between clerks and citizens;
4. Low interest of Polish people in public affairs and the sense of having little influence on them.

We also deal with two general social factors unfavourable for the implementation of the open government tools. The first one is the passiveness of Poles as citizens, who perceive themselves more as “clients” of the social state than active members of local and state community. Numerous studies have shown that Poles are passive, distrustful and that they do not appreciate work for the common good. Another social factor which may reduce the successfulness of the open government implementation are limited digital competencies of Poles and a large scale of digital exclusion.

Moreover, the administration activity structure and relevant governing laws are subject to constant changes, which means that in general Polish administration lacks larger continuity and the vision of goals which are to be achieved. These weaknesses form an important background which makes it easier for us to understand possible problems related to the effective implementation of the open government values.

The most important problems result from the short perspective of planning programmes of key importance for the state, departmental governing structure, unsteerability of administration, as well as personalisation of administrative positions and roles.

The section below includes a discussion of the key issues which may have impact on the implementation of open government in Poland.

### **Problems with information exchange and circulation within administration**

The existence of task and information “freezers” results in the lack of effective mechanisms of exchanging important information between

particular institutions. Administration employees complain of the overload of general information and shortage of structured information. These barriers exist especially in the case of “official” information exchange within an office. The clerks themselves more and more frequently obtain information and exchange opinions on internet forums of several information and social websites for civil service employees.

### **Problems with undertaking common activities between various authorities**

Another significant problematic issue in cooperation between two administration units is the fact that currently there is no clear and unambiguous legal framework which would allow two departments to cooperate while dealing with public affairs. This requires conclusion of case-specific bilateral cooperation agreements, which significantly hinders the exchange of information and handling cases requiring the use of data and registers of another entity.

### **Introduction of information technology to administration**

Although currently all public administration offices have good computer equipment and internet connection, electronic document management is used only to a limited scale, and wherever it has been implemented, it usually forms an addition to the hard copy circulation. The studies devoted to the development of the use of internet in local and central administration units have showed that despite the obligation resulting from the relevant act only around one third has implemented electronic internal circulation of documents, and the growing trend in this respect is very slow.

Unfortunately, the authorities still take advantage of ePUAP, that is the electronic Public Administration Services Platform, to a very limited extent. The local administration studies have shown that the clerks are frequently unaware of the role of IT in administration. Clerks’ reluctance to use IT tools is also motivated by the fact that for various reasons such tools do not match the users’ needs and are not user friendly.

The new chancellery instruction, that is a set of rules and provisions which determine the way of handling a document received by an office, gives

some hope that the situation will improve. The new chancellery instruction gives a possibility of electronic document management and standardizes management of a uniform list of files by type (a system of document marking and registration) in various units. The list itself was amended by changing the class system and removing broad, unclear groups in order to make them more readable also for external users, including the citizens interesting in the operations of the office.

### **Public Information Bulletins (BIPs)**

According to the assumptions of the act on access to public information, Bulletins were to become the main source of access to public information in Poland. Though their quality improves year by year, they still fail to meet the expectations and hopes. Main drawbacks of the bulletins include the following issues:

- Many units failed to create a bulletin at all;
- They are only “advertising poles”, because they do not meet one IT standard;
- The content of BIP pages of offices and their own websites is identical;
- Information published on the BIP pages frequently is not suitable for machine reading.

In the view of these difficulties, the Ministry of the Interior and Administration focuses on positive motivation: it publishes the minimum information standard for a “Transparent BIP Page” and organises a competition for the best BIP pages for local government units. However, the BIP page presented in the Ministry’s document is still a purely informative page, it does not stipulate for developing any tools for interactive communication with the citizens, it does not recommend such tools and does not encourage for using them. The plans of the Ministry concerning the development of this form of access to information include the development of a free tool for creating BIP at a minimum level by those entities, who do not have the bulletin or pay external providers for its simplest version. The possibility of developing a “super-BIP” in one, uniform standard has also been

considered.

### **Access to public information at request**

According to the act on access to public information, public information should be also available to everyone at request submitted in any form. The studies show that in reality problems with obtaining public information are not rare. The most important ones include:

- Refusal of making the information available motivated by the argument that the requested information is not public information;
- Refusal motivated by overinterpreted personal data protection, protection of copyrights or trade secret;
- Exceeding (sometimes multiple times) periods for response;
- Clerks' unawareness of the content of the act;
- Charging excessive fees for information processing – used both as a barrier and as a source of income for the office;
- Many years long and costly procedure of appeal against the decision issued by the authority;
- Lack of actual sanctions for failure to provide information.

### **Legislative process at the central level**

"Unfortunately, the legislative process is not transparent enough, especially at the government stage. Moreover, in the view of a real avalanche of amendments pertaining also to codices, the inflation of law and the lack of stable legislative policy, one may have doubts not only as to the sufficient transparent of the legislative process, but also the legal system for the citizens"<sup>25</sup>. The Polish legislative system is charged primarily with overproduction, instability (there are acts which have been amended 18-23 times in the period of three years), exaggerated minuteness and excessive decentralisation, which leads to division of law into sectors, and sometimes also self-contradictions in the adopted law.

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<sup>25</sup> Statement of Tomasz Zalasinski, a constitutionalist ("Dziennik Gazeta Prawna", 1.03.2011).

## **Problems with information on the legislative process**

As far as the rules of transparency are concerned, it may be said that it is still unclear where, why and by who new drafts are being prepared. First of all, there is no single specific place where an interested person could find drafts of laws being processes at any stage. Some of them are published on the websites of ministries, the Government Legislation Centre, the President of the Republic of Poland, while some others – drafts submitted by the MPs – on the pages of the lower house of Polish parliament, Sejm. All the drafts may be found at one place only when they have already been submitted to parliament for discussion. Partially, it is a result of the decentralisation of the legislative process already mentioned before, as a result of which drafts are prepared by the ministries and the Government Legislation Centre, as well as Sejm, Senate and the President.

However, the confusion in making the information on legislative work available results primarily from the confusion as to the works themselves. According to the observers, attempts to limit the sectoral nature of works, decentralisation and self-contradictions within the legislative process by virtue of a rule that the ministries prepare assumptions for the act only, while the text is developed by the Government Legislation Centre, have failed. Another factor contributing to this chaos is also the fact that frequently works on one act or amendment are carried out independently in several places, even within the government.

The launch of a centralised base of legal acts, which is still under development, that is the Government Legislative Process, planned for February 2011 was to be the solution to the problem of dispersed information on legislative works. However, this project does not meet the standards concerning content availability and the use of technical format. It is a consequence of the original assumption focusing on the reflection of the current “hard copy” circulation of documents in the legislative process, and not on the freedom and effectiveness of using published materials.

## **The lack of transparency of legislative works at the government level**

All these factors make it very difficult to comprehend what and where



is happening in the legislative process at a specific point in time. However, this is only the beginning of reservations concerning the transparency of the legislative process in Poland. Another issue is the fact that also the works on the drafts of legal acts are not transparent, especially at the government stage.

### **Social consultations**

Consultations have been gaining more and more importance in the decision making process at all levels of public administration. There are many regulations and institutions dedicated to support communication of provisions between the administration and citizens in a broad sense. However, they are frequently too laconic and rarely become correctly used, especially by the central administration. For instance, detailed rules of the government legislative process operation described in the regulations of work of the Council of Ministers contain very general norms concerning consultations. Pursuant to Art.12.5 of the regulations “the applying body, taking into account the content of the government document draft and other circumstances, including the significance and forecasted social and economic consequences of the document, the degree of its complexity and urgency, may decide to send the document draft to other state administration bodies, social organizations and other interested entities and institutions with the purpose of obtaining their opinions”. This provision gives the government administration bodies significant freedom as to the decision whether and how consultations should be run. As a consequence, proper social consultations take place at the stage of parliamentary works, that is when the works on the draft are already very advanced. It happens that proper consultations are initiated as late as by the President’s chancellery, before a specific act is signed and made effective.

The organisation, procedure and quality of social consultations have recently become a subject of many studies, analyses and recommendations, inspired both by the administration and independent organizations. The results of those assessments and studies carried out by observers coincide in many areas.

The approach to consultations in various institutions is very diversified, and the personalization of public administration in Poland, which has already been mentioned before, influences this situation heavily. However, one may specify certain common problems which appear with respect to consultations:

- The lack of specific norms concerning minimum consultation standards in the work regulations of the Council of Ministers
- The lack of a clear goal or an incorrectly specified goal of consultations and consequent defective preparation of documents and materials as to which opinions are to be expressed;
- Running consultations when the stage of works on a legal draft or plan is too advanced;
- The period for preparing partners' response is too short (in some cases not counted in weeks, but days or even hours);
- Failure to respond to the comments submitted by partners in the course of consultations and the lack of reports summarizing consultation results;
- Narrow scope of groups invited to consultations and unclear selection of discussion partners.

All these factors make sometimes the formal consultation process – especially at the central levels – ineffective and dominated by informal consultations. The informal consultations often take place outside the official procedures and channels, creating – as one of the observers puts it – something like “consultation grey market”. The organisations which are in a privileged position and participate in sectoral consultation bodies at particular ministries or whose members have direct access to clerks dealing with their “area” or have developed “access” to relevant parliamentary teams, discouraged by the so-called “Byzantine” system of formal consultations resign from participation in this process to the benefit of direct, informal way of submitting their opinions. This generates a vicious circle: important organisations refrain from participation in the formal consultation process, because they find it ineffective, as a result of which consultations become even more meaningless.

## **Legal context**

The laws in force in Poland pertain primarily to two aspects of openness which are of key importance for the construction of the open government model: openness of information and the related right to information and to information protection (including the protection of confidential information and personal data). However, these laws require significant changes. They were developed at the beginning of the century, when the mechanisms of network society were little known. Yet, in the recent years the access to information has become an important condition for the development of a society. The activity of the Wikileaks site or recent events in the Middle East show us the role of information in the network society and the strength with which it can detonate stiff structures. In some European countries and the United States some people even claim that the "right to information" is a basic human right which should be particularly respected by the authorities. Consequently, today it is necessary to introduce a modern definition of "public information" which on one hand will extend the scope of this term both with respect to the content and entities involved, and on the other hand will precisely specify the scope of exclusions (for instance copyrighted information, opinions and analyses prepared for administration by third persons for the purpose of issuing a decision or submitting a statement of will in the process of managing assets). It is also necessary to introduce access to public information in a manner enabling machine reading.

Meanwhile, the remaining aspects of open government related to the re-use of information, civic participation or initiative, require development of modern legal mechanisms from scratch. They include implementation of specific rules of using public administration for other purposes than originally intended by the administration, specification of standards and formats which enable open communication between the administration and citizens, amendments to the work regulations of the Council of Ministers ensuring increased social participation and, finally, implementation of a modern system of regulating the electronic communication market. The system should guarantee coherent regulatory Policy and technological neutrality on the basis of precisely determined laws and obligations of market participants (e.g.

the rights and obligations of entities providing services electronically). It would be desirable to substitute the Office of Electronic Communications and the National Broadcasting Council by a single regulatory body with competences covering the market of electronic services in a broad sense (including telecommunications, media and new technologies). One should also consider the option to establish one authority (or extend the competence of an existing one) whose task would involve removing barriers in access to public information. The analysis of particular areas and suggested reforms are presented in the full report.

## **7. Activities for developing open government within the third sector in Poland**

Like in other states, also in Poland the third sector implements a lot of initiatives from the area of open government concept.

There are organisations promoting transparency and access to public information, as well as organisations encouraging citizens' involvement and dealing with the consultation process or civic participation. Finally we already have the examples of organisations and projects co-creating open government by using public resources to develop new solutions.

At the same time, only a relatively narrow group of organisations deals with the issues related to challenges of the digital society and the use of digital technologies, which include the open government idea. This topic has not been considered by the third sector as an issue of key importance, and, consequently, it is not known to organisations which interpret such values as openness, transparency or involvement in a traditional way.

### **Access to public information**

There are also watchdog organisations specialising in the area of access

to public information. They observe public life, monitor activities of institutions and intervene in the social interest when necessary. In Poland there are very few organizations of strictly watchdog nature, but many non-governmental organisations perform activities which may be classified in this way within a broader framework of their work. The biggest ones include the Helsinki Foundation for Human Rights, the Stefan Batory Foundation (the Anti-Corruption Programme), Polish section of Transparency International, the Association of Leaders of Local Civic Groups running the Non-Governmental Centre of Access to Public Information or the Bona Fides Mutual Assistance Association.

### **Civic Participation**

Recently, the number of participative activities has been increasing and social consultations are more widely used. They are initiated both by the civic sector and public administration. Representatives of non-governmental organisations note the increase of involvement on the part of the citizens and authorities.

A significant share of participative projects is of local nature – at this level this type of activities are the most effective and the easiest to implement. While local non-governmental organisations, administration and citizens are better informed as far as local challenges and problems are concerned, they often miss relevant theoretical knowledge or qualifications. In Poland, the Unit for Social Innovation and Research – Shipyard is the organisation which makes attempts to provide support of this type.

### **The use of public information**

In Poland several websites or services run by non-governmental units and using public resources exist or are being developed. They include: Sejmometr – presents in a clear manner information on the activities of Sejm and legislative changes in Poland; MojaPolis – a website devoted to statistics on the commune level and obtaining data from various institutions for this purpose; Mam Prawo Wiedzieć (I Have the Right to Know) – a website promoting participation in elections and informing about representatives

elected in general elections; and the website created by the Digital Centre Project: Poland entitled the Open Budget, presenting public finance data.

### **Bottom-up developed public services**

Some single projects based on public information collected in the bottom-up manner, and not disclosed by administration, have already been implemented in Poland. The “Przestrzeń miasta” (Urban space) project carried out in 2008 by the Project: Poland organization is an example of an activity of this type. It aimed to develop civic attitudes and prevent the sense of exclusion by removing captions and graffiti offensive for religious, ethnic and sexual minorities. It involved the creation of an Internet website where everyone could upload a photo of such caption and locate it on the map of the country. The website moderators notified relevant authorities of those cases and monitored their removal. In all, more than 700 pictures from 90 various cities and towns were submitted. As a result of the action, 135 of them have been removed.

Another example is the use of the Ushahidi system, already described above, during the flood in 2010. The [alert.powodz.ngo.pl](http://alert.powodz.ngo.pl) website enabled the citizens to submit notifications concerning damages and mark them on the map of Poland, send information on the needs of the victims, offer help and notify about aid campaigns one could join. The tool allowed for coordination of aid-related activities and created a picture of the situation after the flood.

### **Difficulties and problems**

Practical experiences of watchdog organisations show that they are faced with typical problems related to obtaining public information. The difficulties which keep piling up block the activity of watchdog organisations and those who use public data for other purposes.

As far as the citizens' participation in the decision-making processes is concerned, legal regulations in this respect are much weaker. For non-governmental organisations it means that participative activities they initiate are frequently difficult to implement and depend to a large extent on the good will of clerks.

Another difficulty are relations with administration, which frequently fails to understand the needs of the organisations and does not trust them, perceiving them as a threat, and not as a partner in work for the purpose of improving the quality of governance or public services.

## 8. Vision

The model of implementing open government we recommend should be analysed both in a short-term perspective, which according to us requires necessary changes, and in the long run.

In the second case, one should take into account in first priority the long-term effects of the impact of digital technologies on the governing process and the relations between the government and the citizens: these technologies form one of the basic tools in the process of open government implementation.

A Swedish report, *eGovernment of Tomorrow. Future Scenarios for 2020*<sup>26</sup>, is an example of long-term trends analysis. Its authors have specified four possible “perfect types”. They are development scenarios which are prepared as a result of assuming two variables: trust in administration (low or high) and the assumed administration model (participative or distributive - satisfying demand for electronic services).

**Government Goes Private** (high trust, distribution): citizens signal high demand for e-services, but administration fails to create a coherent system. A private entity emerges and develops a platform for contacts between citizens and administration. Its success depends on the open access to the databases made available by the administration.

**The Limits of Efficiency** (low trust, distribution): administration manages the provision of services and disclosure of data sets and strives to adjust its offer to the needs of particular recipients. A coherent site for all

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<sup>26</sup> Nordfors, L., Ericson, B., Lindell, H., & Lapidus, J. (2009). *eGovernment of tomorrow. Future Scenarios for 2020*. <http://www.vinnova.se/en/Publications/Products/eGovernment-of-tomorrow/>

administration bodies is developed. Though the majority of citizens supports this model, there are groups which are worried that their privacy may be violated.

**Action and Overload** (low trust, participation): citizens do not trust administration which makes it difficult for the authorities to develop effective communication channels. However, at the same time a number of groups who want to have influence on the decision making process and communicate perfectly between each other emerge. The challenge is to avoid overloading clerks with more frequent and more effectively formulated citizens' demands.

**Co-Production of Government** (high trust, participation): administration is strongly involved in the life of the community. Citizens actively participate in the development of services and influence the clerks' way of work, which makes administration more effective. Problems involve the issue of political neutrality and the law in a situation when the decision makers are members of close communities as well.

The analysis presented above presents a good picture of key challenges faced by contemporary government and possible transformation directions. Elements of the model described by us may be found in the first and third scenarios, but the open government idea is implemented only in the last scenario which assumes high level of mutual trust and involvement.

Recommendations included in the next section of the report have been developed to facilitate these administrative reforms and technologies which enable implementation of this scenario.

## **9. Recommendations**

**1. The implementation of the open government idea should be a step by step process, divided into following consecutive milestones: increasing transparency, enabling participation, opening to cooperation and implementation of cross-departmental governing process.**

**Milestone one: Increasing the transparency of the state**



Ensuring transparency of activities of state authorities by open disclosure of public information, making sure that the content and data is of high quality, complete, updated and available.

**Milestone two: Implementation of conditions for open participation and the exchange of ideas**

Implementing procedures which increase civic participation in decision making processes of public institutions – public institutions open to ideas, comments and solutions submitted by the citizens thanks to the use of online communication tools.

**Milestone three: Ensuring that administration is open to (internal and external) cooperation**

Increasing and facilitating cooperation inside (between departments and various structural levels) and outside administration (with citizens, non-governmental institutions and entrepreneurs), including the specification of strategic goals, solving social problems, co-creating action plans and legislative solutions.

**Milestone four: Cross-departmental involvement in the open governance process**

Developing a governance model as an open process on all stages, which constantly involves entities outside public administration.

**2. Appropriate administrative norms for implementation of the open government goals must be created.**

It is necessary to introduce the open government idea general norms and guidelines to the act on the Council of Ministers ensuring that the activities of administrative bodies are compliant with the principles of

openness, transparency, effectiveness and civic involvement.

**3. Entities responsible for coordinating works on implementation of the open government model should be appointed within public administration.**

One should appoint two entities in charge of key elements of open government implementation: activities related to opening public resources and implementing new institutional procedures. Additionally, one should appoint an advisory body for the issues related to government openness (representatives of public administration, business, the third sector and citizens).

**4. All the entities performing public tasks should be obliged to make public information available.**

The definitions of the obliged entities and the subject of the rules of access to public administration should be amended.

**5. Also public information resources which are not covered by the scope of the act on access to public information should be made available.**

The disclosure should apply also to such data as information, data, files and documents, financial, technical and statistical documentation, maps and plans, photographs, films and micro-films, sound and video records, electronic documents and all other documentation generated by public entities, referring to or financed by them.

**6. Public institutions should maintain and update data repositories and catalogues.**

Public entities should be obliged to open data by maintaining repositories and catalogues of public data.

**7. The rules of disclosure and re-use should be established, taking into account the copyright law and the law on protection of data bases.**

Legal status of documents and other materials from administration

should be clearly determined, persons in charge of managing the data should be specified and the copyrights status of particular resources explicitly identified. This is a condition for establishing open rules of handling public information.

**8. Rights to the content financed from public funds should belong to the financing entities. Such content should be made available on terms and conditions which ensure free access and re-use.**

It is necessary to ensure the transfer of intellectual property rights of the author to the public entity and to disclose the content of license ensuring free and safe access and re-use. Relevant provisions should be introduced to the Public procurement law.

**9. Public resources should be made available in compliance with technical openness standards.**

The formats used should be XML (including the open metadata standard, e.g. RDF) or XHTML. Moreover, public resources should comply with the Web Content Accessibility Guidelines (WCAG), making the content usable for persons with various disabilities. Institutions should also inform about the adopted standards, describe published resources, ensure transparent and stable structure of references, enable the resource search and make the resources available via API interface.

**10. Disclosed public resources should, as a rule, be made available free of charge – exceptions from this rule should be duly justified.**

As a rule, public information (including data) should be made available free of charge or at marginal cost of disclosing the resource. High cost of resource processing in order to make it available may justify the collection of fees, but requires an appropriate cost and benefit analysis and substantiation.

**11. Openness of public administration should be implemented step by step starting from the already available and most valuable resources.**

The resources made available in first priority should be the most useful ones to the citizens (selected on the basis of consultations and a survey of

needs of citizens, companies and NGOs). One should assume the rule of automatic disclosure of resources for which more than 1,000 people have applied by submitting a motion, and open resources, which have already been made public, in line with the standards.

**12. Openness of the public administration IT websites and software developed for this purpose must be ensured.**

Open standards ensuring transparency, interoperability and the possibility of re-using websites and IT resources should be determined and made obligatory for all public administration units.

**13. Organisational structure of administration should be changed to promote implementation of openness.**

It is necessary to create conditions for internal cooperation among clerks and authorities, also by increasing the degree of the coordination of works, reducing the stiff division of governmental operations into specific departments and creating the possibility of appointing effective cross-departmental teams.

**14. Competencies of the administration employees at all levels with respect to the use of digital technologies and web communication tools should be increased.**

Administration employees of all levels should be prepared to work in the web communication space. This may be achieved by securing appropriate technical infrastructure and by education with respect to using popular web tools and services, knowledge of the web communication norms and the rules concerning protection of privacy and security in the Internet.

**15. Public administration bodies and their employees should be actively present in the Internet.**

Institutions should be obliged to act also in the Internet (which includes online contact with citizens, e.g. on discussion forums or social networks), which should be preceded by an analysis of the current status of readiness of such institutions to take advantage of the new communication channels.

**16. Principles specifying forms and rules governing the presence of authorities in the Internet should be established, along with communication policy of such institutions.**

One should guarantee the use of web services by the administration in a neutral way, without any preferences for specific websites and on the basis of objective, transparent criteria. All the content published on social websites by the public administration should – as a rule – be considered official documents or materials.

**17. Open mechanisms of social consultations should be introduced as a permanent element of the decision process.**

One should also develop innovative techniques and civic participation tools in administration and monitor the quality of social consultations in comparison with NGOs. Moreover, the use of technologies to increase civic participation and cooperation in making decisions and creating law should be promoted.

**18. Public institutions should obtain from the citizens knowledge useful for the governing process.**

To make the decision process more democratic, public administration should announce competitions for the best solutions to social problems, for developing applications using open public data, as well as internet website aggregating citizens' opinions and knowledge.

**19. The idea of openness should be promoted by reinforcing knowledge and competence of citizens, decision-makers and administration employees with respect to open governance methods.**

Public knowledge on the open government model and the general meaning of openness should be extended. It means that relevant activities must be taken up by public institutions and non-governmental entities and they should include educational projects, promotion of new technical solutions and running social campaigns.

**20. The third sector organisations should play a key role in building open government.**

It is necessary to extend the cooperation and coordination of organisations acting to the benefit of open government, build cooperation of the third sector organisations with the IT specialists environment, increase digital competencies within the third sector and promote the open government idea in the third sector as a reform which redefines traditionally recognized values.

**21. The organisations awarding grants should require openness of resources they finance.**

The rule of openness of resources should be introduced to all grant competitions to guarantee the effective use of funds, both public (including the EU) and private ones.