

1 Feedback from the Open Government Partnership Support Unit, 7 August 2014

We have a few comments which I have posted below. As far as next steps, I think it is up to you whether to incorporate our feedback into the Action Plan and the degree to which you would like to edit the document. Once it is final and approved by the relevant officials in the government, you should upload it to a page on the SSC website (or an independent OGP page) and send us the final copy to post on opengovpartnership.org/country/new-zealand. We can also grant you control of that page so you can update it for the international OGP audience.

My colleague and I both reviewed the plan, and agreed there are changes which would make the commitments clearer for the Independent Reporting Mechanism when the Action Plan is reviewed. The challenge for the IRM would be to identify which Ministry is responsible for implementing the commitments within the Action Plan. While there is a great degree of detail in some parts, the IRM needs specificity on the activities, products, leading Ministries and timelines to evaluate a plan with ease. I think it is possible to create an annex which has this information and attach it to the Action Plan. My colleague suggested using the simplified version of the template:

Commitment:	
Leading agency:	
Activities / products	
Due date	

We understand it might be difficult to do this as several commitments are part of broader programs but we thought it might be doable. I have also attached the IRM Values Definitions which the IRM uses to clearly and objectively define the values they use in evaluating plans. This is more of a reference for later on, so you all understand what they will use as a basis for reviewing the plan.

I'm happy to discuss this over the phone if you would like.

Best wishes,

Jack Mahoney

Program Associate

Open Government Partnership Support Unit

Attachments to e-mail from the OGP Support Unit, 7 August 2014

[OGP National Action Plan Template and Guidelines](#)

Assessing OGP Values for Relevance

I. Purpose

This document presents the definitions of Open Government Partnership *Values* that are applied by the Independent Reporting Mechanism to evaluate the relevance of commitments made as part of OGP national action plans. As part of its mandate, the IRM evaluates each commitment within the national context for its relevance to the OGP values (as contained in the OGP Articles of Governance) and the OGP Declaration which all countries sign. The definitions offered here are a synthesis of these sources.

These definitions, taken as a whole, will be used to evaluate whether each OGP commitment meets the test of “clear relevance” for each commitment. In order to be marked of “clear relevance” in an OGP IRM report, a commitment must clearly articulate their relationship to Access to Information, Civic Participation, and Public Accountability.

While action plans may contain commitments that do not meet the test for relevance, those that do not will be ineligible for “starred” or exemplary commitment status. (This is used to highlight the major achievements of a country around open government in its IRM report.) Proponents of commitments will want to draft commitments in such a way that they clearly articulate which of the values they intend to improve. Relevant commitments may either employ these values instrumentally (in the service of some other policy aim) or they may be aims in-and-of-themselves.

Because the fourth value “Technology and Innovation for Transparency and Accountability” is instrumental in achieving the other three values, governments that wish to have this value checked are advised to clearly articulate how technology and innovation will improve access to information, civic participation, and public accountability. Commitments that have technology but do not clearly articulate their intended impact on these other values may be considered of “unclear relevance.”

OGP values may be applied to any branch of government to be considered relevant.

II. How to use these values

- **Government points of contact:** Share these values with civil society, private sector and government stakeholders to ensure a shared understanding of open government values. These can be used to help draft, evaluate relevance of, and, where necessary, revise commitments under the OGP action plan. Additionally, you can use these definitions to help predict the evaluation by the IRM in your country.
- **Members of government:** Use these values to help draft your commitments and make proposals to civil society and to government for inclusion in the action plan. These should help to identify those goals that meet your goals of good government and *open* government.
- **Civil society:** Use these values to draft proposed commitments and to evaluate the relevance of commitments in your national action plan. These definitions should also help to educate your colleagues on what is and what isn't relevant to “open government.”
- **IRM national researchers:** Carefully apply these definitions to each commitment or group of commitments to identify whether the actions described in the commitment, as written, would either enhance these values or would employ these values to meet

other policy goals. Assess the intent of the commitment, as written, rather than the ultimate potential impact or the intentional impact.

III. OGP Values defined

Access to information

Commitments around access to information:

- pertain to government-*held* information (as opposed to only information on government activities);
- are not restricted to data but pertains to all information;
- may cover proactive or reactive releases of information;
- may pertain mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);
- must provide open access to information (it should not be privileged or internal only to government).

Civic participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation.

Commitments addressing *public participation*:

- must open up decision-making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision-making;
- can include elements of access to information to ensure meaningful input of interested members of the public into decisions;
- often include the right to be heard, but do not necessarily include the right to be heeded.

Alternately, commitments may address the broader operating environment that enable participation in civic space. Examples include but are not limited to:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association including trade union laws or NGO laws;
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would not be marked as clearly relevant to the broader term, *civic participation*:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation;
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.

Commitments that may be marked of "unclear relevance" also include those mechanisms where participation is limited to government-selected organizations.

Public Accountability

Commitments improving accountability can include:

- rules, regulations and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;
- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms;
- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

Consistent with the core goal of “Open Government,” such commitments must have a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and may meet an OGP Grand Challenge, they do not, as articulated, meet the test of “clear relevance” due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public facing element such as:

- Disclosure of non-sensitive metadata on institutional activities;
- Citizen audits of performance;
- Citizen-initiated appeals processes in cases of non-performance or abuse.

Technology and innovation for openness and accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies offer opportunities for information sharing, public participation, and collaboration.
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions;
- Working to reduce costs of using these technologies;
- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use tech for openness and accountability;
- May support the use of technology by government employees and citizens alike.

2 Feedback from the Open Data Working Group, Wednesday, 20 August 2014

Thank you for submitting your National Action Plan for peer review by the OGP Open Data Working Group. Our Steering Committee has reviewed your Action Plan, and offered comments on Open Data-related commitments.

Commitments were assessed as to whether they met SMART requirements (i.e. whether they are Specific, Measurable, Actionable, Relevant, Time-Bound). We have also offered some general comments on the Action Plan as a whole.

Please note that, due to the tight deadline you requested, some members of our Steering Committee were not able to get their comments in by today. For those who were unable to meet this deadline, I have offered to forward you their comments next week. We of course recognize that this may mean you are not able to incorporate those comments into your final Action Plan, but we did still wish to provide them to you, in case they may be helpful in the implementation of the Plan.

We encourage you to review the attached feedback, and to share it with local Civil Society Organizations that work in the domain of Open Data. Please note that we will also be sharing this feedback with members of our Working Group, which includes governments and Civil Society Organizations from around the world.

If you have any questions or would like any further clarification of our comments, please do not hesitate to contact either of the two Working Group co-chairs, Stephen Walker and Jose Alonso.

Allison O'Beirne

Analyst / Advisor, Chief Information Officer Branch

Treasury Board of Canada Secretariat / Government of Canada

Attachments to e-mail from the Open Data Working Group, 20 August 2014

Open Data Working Group – Action Plan 2.0 Peer Review	
Country: New Zealand	
Specific	<p><i>It is clear that the Action Plan has been developed to allow a number of defined activities to coalesce around 4 key commitments. Commitments do not deal exclusively with Open Data (i.e. each commitment contains data, information, and/or open dialogue activities). Specific Open Data objectives include leveraging open data to improve government services and social outcomes; and ensuring the effective use of information and data resources through the ongoing implementation of the ICT Strategy and Action Plan. These objectives are clearly stated.</i></p>
Measurable	<p><i>The Action Plan includes “ongoing” initiatives that require consistent reporting on Better Public Services Results. Regular reporting requirements and online publication of departmental reports ensure that activities can be effectively measured for success and impact.</i></p> <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • <i>Introduce success metrics assessing the impact of the ICT Strategy renewal in specific sectors, and the level of compliance with the Strategy from government agencies.</i> • <i>Annex C of the Action Plan indicates that “an evaluation framework and criteria will be developed with stakeholders” after the publication of the Action Plan. The Government of NZ should ensure that any evaluation frameworks and success criteria are developed and widely publicized before the end of Year 1 of the Action Plan, to ensure that the OGP Independent Review has a specific, detailed set of metrics against which to measure progress on Action Plan implementation.</i>
Actionable	<p><i>Action Plan commitments will build on current efforts of the NZ Government.</i></p> <p><i>Recommendation:</i></p> <ul style="list-style-type: none"> • <i>Current commitments and activities are largely focused on encouraging the effective management and re-use of Open Data within the government. Consider including potential commitments regarding the promotion of Open Data innovation by industry and civil society. Provide incentives (grants, competitions, etc.) to encourage creative re-use of Open Data by non-governmental entities.</i> • <i>Consider exploring potential options for improving NZ citizens’ data literacy, providing education and applications to allow NZ citizens to effectively read and re-use Open Data without relying on government reporting. This will allow citizens to access and analyze raw data, and assess government progress themselves.</i>
Relevant	<p><i>The commitments support the four main open government principles and respond to the relevant OGP Grand Challenges. Additionally, public consultations on the Action Plan informed the development of certain commitments and activities.</i></p>
Time-Bound	<p><i>The Action Plan contains some reference to timelines for the completion of certain milestones. For example, the ICT Action Plan is to be refreshed by the end of 2014. However, most initiatives, particularly those related to leveraging Open Data for improved social outcomes and government services, are designated as “ongoing” initiatives. This is cause for concern, as the lack of defined timelines for delivery makes it very difficult to assess the progress on implementation of the Action Plan, particularly as part of the Independent Review that will be conducted by the OGP at the end of Year 1.</i></p>

**General
Comments**

New Zealand's Action Plan is very well thought out, thorough, clear, and specific.

Recommendations:

- *Strengthen public discussions on open data through online platforms and surveys.*
- *Consider including promotional demand measures in partnership with civil society organizations, such as prizes and hackathons, to foster demand for priority datasets that are initially published.*

Working Groups have been asked to share their feedback with civil society partners in the country, and to encourage governments to do the same. If you know of any CSOs that should receive this feedback, please list them below

Suggested Civil Society Organizations

3 Feedback from the Open Government Partnership Legislative Openness Working Group, 27 August 2014

In taking a look at the New Zealand action plan, I've noted that there are no commitments that directly affect legislative openness. New Zealand's current parliamentary system presents a wide variety of examples of innovative work on openness and transparency, including the work of standing committees, instances of the crowdsourcing of legislation by citizens, and access to MPs. However, no new initiatives directly addressing the legislative process were included in this action plan.

I did see that one stakeholder recommendation was to select specific actions that relate to Parliament and constraints on the Executive. If this is something that the Government of New Zealand were interested in pursuing in the future -- given that this action plan is a living document -- the Legislative Openness Working Group would be happy to provide expertise at an earlier point in the process. Please do let us know if we can be helpful.

Some of the areas that the Legislative Openness Working Group has focused on as possible places that countries might address include enhancing citizen engagement in the legislative process, perhaps through online platforms or other types of public consultation in the lawmaking process (something that happens to various degrees in New Zealand already); legislative oversight of the government's OGP implementation and participation in the action plan drafting process; engaging citizens with legislative open data (which I understand is a piece of the data.govt.nz website); engaging citizens in issue identification via e-petitions; and asset disclosure and parliamentary integrity issues around MPs -- among many others.

For more information and examples of model commitments, I would recommend taking a look at the OpenGov Guide's chapter on '[Parliaments](#)', which was authored by NDI. I would also suggest familiarity with the [Declaration on Parliamentary Openness](#) and its associated documents. This is a set of comprehensive standards drafted and endorsed by 150 civil society organizations from 80 countries for what constitutes an open parliament. You can view more information at OpeningParliament.org.

Good luck as you continue to move forward with the finalization and implementation of New Zealand's OGP action plan. We would be happy to be of service in any way we can.

Lastly, we were thrilled to include Minister Peter Dunne in our recent session at the OGP regional meeting in Bali in May, and would welcome further participation from New Zealand in the activities of the working group. Along those lines, I would be thrilled to extend an invitation for a representative from New Zealand to attend the working group's upcoming meeting in Chile from September 23-25, hosted by the working group's co-anchors within the Congress of Chile. I have attached a general invitation to that meeting. Please let me know if you'd like additional information.

All the best,

Dan Swislow

4 *Feedback from the Open Government Partnership Access to Information Working Group, 22 August 2014*

The Access to Information Working Group advised that there do not seem to be any specific action items related to access to information in the plan.

5 *Feedback from the OECD*

The OECD declined to provide feedback as they are unavailable.

6 *Feedback from the World Bank*

No feedback provided at the time of publication. Any feedback received will be reviewed and where appropriate changes will be made to New Zealand's Action Plan.