Independent Reporting Mechanism (IRM): Ireland Progress Report 2016–17

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Executive Summary:

Ireland
Year 1 Report

Action plan: 2016-2018
Period under review: July 2016 – July 2017
IRM report publication year: 2018

Ireland's second action plan addresses citizen engagement, transparency, open data, anticorruption and accountability. Moving forward, the government could consolidate civil society interests during the development of the next action plan, and ensure consultation during implementation.

HIGHLIGHTS

Commitment	Overview	Well-Designed? *
✪13. Develop a code of practice for governance of charities	Reform regulation concerning charity governance, finance, and employee recruitment.	Yes
14. Strengthen anti-corruption measures	update and strengthen Ireland's anticorruption laws.	Yes
11. Open-Data Strategy	Develop and implement and a short- and long-term Open-Data Strategy in consultation with stakeholders.	No

* Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact
☺ Commitment is evaluated by the IRM as being specific, relevant, potentially transformative, and substantially or fully implemented

PROCESS

Development of Ireland's second action plan involved an online call for civil society proposals, and in-person consultation forums. However, the government decided on the final scope of commitments, and implementation lacked regular multistakeholder consultation.

Who was involved?

Civil society	Government		
	Narrow/ little governmental consultations	Primarily agencies that serve other agencies	Significant involvement of line ministries

				and agencies
	Beyond “governance” civil society			
	Mostly “governance” civil society		✔	
	No/little civil society involvement			

Overall, a wider range of civil society groups and individuals participated in the development of the second action plan. However, their role in implementation was limited. Nine ministries and five agencies are responsible for the implementation of the second action plan. The government has yet to establish a multistakeholder forum to monitor implementation, despite a recommendation from the previous IRM report.

Level of input by stakeholders

Level of Input	**During Development**
Collaborate: There was iterative dialogue AND the public helped set the agenda	
Involve: The public could give feedback on how commitments were considered	✔
Consult: The public could give input	
Inform: The government provided the public with information on the action plan.	
No Consultation	

OGP co-creation requirements

Timeline Process and Availability Timeline and process available online prior to consultation	Yes
Advance notice Advance notice of consultation	Yes
Awareness Raising Government carried out awareness-raising activities	Yes
Multiple Channels Online and in-person consultations were carried out	Yes
Documentation and Feedback	Yes

A summary of comments by government was provided	
Regular Multi-stakeholder Forum Did a forum exist and did it meet regularly?	No
Government Self-Assessment Report Was a self-assessment report published?	No
Total	**5 of 7**

Did not act contrary to OGP process
A country is considered to have acted contrary to process if one or more of the following occurs:

- The National Action Plan was developed with neither online or offline engagements with citizens and civil society
- The government fails to engage with the IRM researchers in charge of the country's Year 1 and Year 2 reports
- The IRM report establishes that there was no progress made on implementing any of the commitments in the country's action plan

COMMITMENT PERFORMANCE

While several commitments in Ireland's second action plan have seen substantial implementation, and are on schedule to be completed, others have seen only limited completion. Moving forward, the government should ensure that the commitments on improving the governance of charities and strengthening anti-corruption measures are fully implemented.

		Year 1	Year 2
COMPLETED COMMITMENTS	OGP Global Average *	18%	36%
	Action Plan 2016-2018	1 of 18 (6%)	
	Action Plan 2014-2016	6 of 30 (20%)	17 of 30 (57%)
TRANSFORMATIVE COMMITMENTS	OGP Global Average *	16%	
	Action Plan 2016-2018	2 of 18 (11%)	
	Action Plan 2014-2016	4 of 30 (13%)	
STARRED COMMITMENTS	Most in an OGP Action Plan	5	8
	Action Plan 2016-2018	1 of 18 (6%)	
	Action Plan 2014-2016	4 of 30 (13%)	4 of 30 (13%)

RECOMMENDATIONS

1. Develop an umbrella group called the 'Multistakeholder Forum,' redefining the term 'civil society' in Ireland.
2. Develop an Implementation Review Group (IRG) to ensure consultation during implementation.
3. Raise public awareness of open government.

4. Consider other key issues for the next plan, including developing new commitments related to corporate social responsibility.
5. Government and stakeholders both need to reflect on whether they really want to commit to open government in the future.

COMMITMENTS OVERVIEW

Commitment Title	Well-designed *	Complete	Overview
1. Promote transparent climate-policy development	No	No	This commitment aims to create the National Dialogue on Climate Action (NDCA). The government published the Draft National Mitigation Plan in March 2017, with plans to hold public consultations in accordance with the NDCA.
2. Support public-participation networks	No	No	This commitment aims to improve the National Public Participation Networks (PPNs). The government started a more transparent nomination process for PPNs, but stakeholders have raised concerns over the lack of funding for training programs.
3A. Improve access to justice: reducing costs	No	No	The commitment seeks to reduce costs for access to justice. While the commitment proposes several activities to reduce costs, it does not address the main reasons for high legal costs in Ireland.
3B: Improve access to justice: framework to assist vulnerable persons	No	No	This commitment seeks to assist vulnerable persons and individuals with decision-making capacity difficulties to exercise their legal capacity. Little progress was made in the first year of the action plan.
3C. Improve access to justice: oversight of legal practitioners	No	No	This commitment aims to improve transparency and accountability for legal practitioners. The government established the Legal Services Regulatory Authority to regulate legal practitioners, but it is not operational.
4A. Enhance citizen engagement in policy making: general	No	No	This commitment builds on several initiatives to support citizen engagement. In 2017, the government has developed a Consultation Portal and guidelines for training civil servants in best practices.
4B: Enhance citizen engagement in policy making: youth	No	No	This commitment builds on an existing initiative to establish a children and youth participation hub. When finished, the government could use the Hub to gather the views of youth during the preparation of bills.

5. Enhance customer engagement	No	No	This commitment aims to improve transparency and responsiveness of customer service. The National Adult Literary Agency organised trainings for public servants to improve their public communication skills.
6. Improve access to government services through technology	No	No	This commitment aims to increase the usage of the Public Services Card (PSC), and use it to streamline access to government services. There has been a 40 percent increase in PSC users from 2016.
7. Participatory budgeting	No	No	This commitment seeks to carry out a feasibility study on enabling citizen engagement in local budgetary processes. However, the study was not conducted during the first year of the action plan.
8. Improve transparency of government service providers	No	No	This commitment aims to increase transparency of public funds disbursed through service contracts and grants. Implementation did not begin during the first year of the action plan.
9. Enhance fiscal transparency	No	No	This commitment seeks to develop a Performance Report on the spending by government departments and agencies. In April 2017, the Department of Public Expenditure and Reform published the first Performance Report online.
10. Introduce modern document management procedures	No	No	This commitment aims to create robust records management in compliance with legislation. However, the Cabinet did not agree on records management plan during the first year of the plan.
11. Develop an Open-Data Strategy 2017-20	No	Yes	This government developed and the Open-Data Strategy in consultation with stakeholders and began implementation. Activities envisioned in the Open Data Strategy include trainings, awareness raising, and engagement key stakeholders on feedback.
12. Invest in data infrastructure	No	No	This commitment aims to continue improving the quality and quantity of potential open data. The National Data Infrastructure is mostly developed, and the number of datasets and publishers has increased from 2016 to 2017.
✪13. Develop a Code of Practice for Governance of Charities	Yes	No	Public trust in charities is low. As part of this commitment, the government held consultations for the Code of Practice for Governance of Charities. However, the Code itself is not scheduled to be finalized and rolled out until 2018.

14. Strengthen anti-corruption measures	Yes	No	This commitment seeks to update and strengthen Ireland's anticorruption laws. The robust legislation envisioned for this commitment could significantly improve transparency in the country, if fully adopted.
15. Establish a register of beneficial ownership	No	No	The government has obliged companies to collect information on beneficial ownership and to file this information with the central beneficial ownership register. The government will consider the feasibility of making the registry public.

* Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact
☺ Commitment is evaluated by the IRM as being specific, relevant, potentially transformative, and substantially or fully implemented

ABOUT THE AUTHOR

Dr. Raj Chari is a comparative political scientist based out of Trinity College Dublin, Political Science, whose work examines developments in Europe and North America, using both quantitative and qualitative methods of analysis. His main area of research is comparative public policy in lobbying activity and interest groups, EU public policy with a focus on competition policy, and policy processes and regulatory structures in the global economy.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

I. Introduction

The Open Government Partnership (OGP) is an international multistakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organisations, and the private sector, all of which contribute to the common pursuit of open government.

Ireland began its formal participation in May 2013, when Brendan Howlin, minister for public expenditure and reform, declared his country's intention to participate in the initiative.[1]

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public officials' asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Ireland developed its second national action plan from August 2016 to December 2016. The official implementation period for the action plan was 1 July 2016 through 30 June 2018. This year one report covers the action plan development process and first year of implementation, from July 2016 to July 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation (July 2017) will be assessed in the end-of-term report. Although the government offered an analysis of each of the commitments in its plan in June 2016, it has yet to publish its self-assessment as of time of writing (December 2017) as discussed in Section 3.5.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Raj Chari, professor in political science, Trinity College Dublin, who carried out this evaluation of the development and implementation of Ireland's second action plan. To gather the voices of multiple stakeholders, the IRM researcher held a stakeholder meeting in Dublin on 25 October 2017 at the Swift Theatre of Trinity College Dublin. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

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[1] "Ireland," Open Government Partnership, n.d., https://www.opengovpartnership.org/countries/ireland.

II. Context

Ireland's elections in 2016 resulted in a change of government, although institutional continuity remains. Given recent whistleblower scandals, the scope of the action plan more clearly targeted full implementation of whistleblowing laws that form part of stakeholder priorities and a key part of the national context.

2.1 Background

Ireland held national elections in February 2016 that, after a delay, resulted in a change in government in May 2016, from a coalition between Fine Gael and the Labour Party to a new government led by Fine Gael with some independent members included in the Cabinet. The delay in forming a new government delayed the development of Ireland's second OGP action plan from June 2016 to December 2016. Also as a result of the election, the Cabinet no longer included Labour Party Minister Brendan Howlin, who had served as the minister of the Department of Public Expenditure and Reform (henceforth, referred to as DPER) when Ireland joined the OGP. As mentioned in the previous IRM report on the first action plan, Howlin played a major role in developing key initiatives, particularly regarding lobbying regulations and whistleblower legislation. Despite this Cabinet change, DPER continued to maintain its central role in developing Ireland's second OGP action plan under the new leadership of Paschal Donohue.

The United Kingdom's vote to leave the European Union in June 2016 (commonly known as Brexit) forced the Irish government to reorient its priorities. At the time of writing (December 2017), Ireland and the EU have been heavily involved in drafting the terms of Phase 1 of the Brexit negotiations, a key element that deals with the future of the border between Ireland and Northern Ireland. In essence, the issue is whether to maintain the present 'soft' border (that allows for the free movement of people between the two states) or reinstall a 'hard border' between the two as seen during the 'Troubles' of the late twentieth century.[1] Although the Brexit negotiations are not connected to any commitments in the action plan, it is an important context because the current government led by Dr. Leo Varadkar must devote significant amounts of time, energy, and resources to these negotiations, as seen in the beginning of December 2017.[2] This may be a factor in explaining the general lack of attention to OGP during the first year of the second action plan cycle.

One key event in Ireland related to open government occurred in 2016—a whistleblower scandal related to the Irish police force, An Garda Síochána (referred to as the Gardaí, or 'the Guards'). Garda Sergeant Maurice McCabe, who had previously made a protected disclosure, was discredited by the Garda. At the time in 2008, 'the Westmeath-based sergeant… raised concerns with his superiors about senior gardaí quashing (i.e. cancelling) penalty points.'[3] This ultimately played a role in the resignation of Garda Commissioner, Nóirín O'Sullivan, who many regarded as being linked to the discrediting of McCabe when she was in office in 2016.[4] This scandal occurred before the relatively robust whistleblower laws (known as the Protected Disclosures Act) that developed as part of the first OGP action plan in 2014 (which was coded at the time as being a 'transformative' commitment). As the *Irish Examiner* reports, 'Sgt. McCabe's odyssey began before the PDA [Public Disclosures Act] came into law, and is notable for his persistence and guile in defending himself at a time when legal protections were relatively threadbare.'[5]

Ultimately, with the law in place after 2014 that offered McCabe legal protection, his complaints with the law were taken seriously and the concerns of the potential malpractice in An Garda Síochána triggered '… a commission of investigation examining his claims of malpractice, and… (a subsequent) public tribunal (now) examining allegations that he was the subject of a smear campaign.[6]

2.2 Scope of Action Plan in Relation to National Context

Considering the above-mentioned Garda whistleblowing scandal, civil society organisations and citizens expressed a strong desire to include commitments dedicated to fully monitoring the ongoing evolution of the whistleblowing legislation, something which is arguably reasonable, given the salience of the scandal. While legislation completed during Ireland's first action plan provides an adequate framework to ensure accountability, particularly within the civil service, the second action plan does not build upon this framework by addressing issues of monitoring whistleblower protection. A commitment clearly establishing an independent working group (consisting of government and civil society) to monitor the full implementation of the policy, while seeking to better understand its practical impact, may have been of value. While it is difficult to determine if establishing such a group would have abated the Garda whistleblower scandal, establishing oversight mechanisms to ensure the full application of the Protected Disclosures Act could prevent scandals related to this area in the future.

Moreover, given the broad nature of legislation developed to regulate wrongdoings in the private workforce, its overall scope empowers all working citizens who can demand accountability in Ireland. Organisations like Transparency International (TI) Ireland have committed to monitor the implementation of the Protected Disclosures Act as it continues to be rolled out. For example, TI Ireland launched an initiative in September 2016 along with DPER to provide training, guidance, expert advice, and online resources to promote a safe environment for anyone reporting wrongdoing.

Another commitment mentioned in the IRM meeting with stakeholders (see Section 1) that could have addressed current open government issues in Ireland would have been to create a central register of beneficial ownership becoming mandatorily public (and not just consider this as a potential option as stated in Commitment 15 discussed below).

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[1] 'The Northern Ireland Conflict 1968-1998—An Overview,' The Irish Story, 9 February 2015, http://www.theirishstory.com/2015/02/09/the-northern-ireland-conflict-1968-1998-an-overview/#.WivZ3zRpHIU.

[2] See, for example, Nicola Slawson and Andrew Sparrow, 'Irish PM says he is "disappointed" Uk backed off a deal it had approved – as it happened,' *The Guardian,* 13 March 2018, https://www.theguardian.com/politics/blog/live/2017/dec/04/theresa-may-heads-to-brussels-hoping-to-conclude-phase-one-of-brexit-talks-politics-live.

[3] Quote taken from Colin Gleeson, 'Whistleblower timeline: A decade-plus struggle for Maurice McCabe,' the *Irish Times*, 11 February, 2017, https://www.irishtimes.com/news/crime-and-law/whistleblower-timeline-a-decade-plus-struggle-for-maurice-mccabe-1.2972451. In Ireland (and in the EU) drivers are given penalty points for driving offences, such as losing three points for speeding. If a maximum of 12 points is reached over a three year period, the driver loses their licence.

[4] On this, see Mark Hilliard, 'Garda whistleblower timeline,' *Irish Times*, 19 May 2016, https://www.irishtimes.com/news/crime-and-law/garda-whistleblower-timeline-1.2652662 and 'O'Sullivan's sudden retirement takes Government and Garda by surprise,' *Garda Síochána,* 11 September 2017, http://www.gardaretired.com/osullivans-sudden-retirement-takes-government-garda-surprise/.

[5] Quote taken from Michael Clifford, 'Whistleblowing can be matter of life and death,' *Irish Examiner*, 13 December 2017, https://www.irishexaminer.com/breakingnews/views/michael-clifford-whistleblowing-can-be-matter-of-life-and-death-818451.html.

[6] Ibid.

III. Leadership and Multistakeholder Process

The development of the action plan was a centralised process in which DPER gave advanced notice for pre-consultation and subsequently led the consultation process. While civil society offered potential commitments for inclusion, the process lacked depth and breadth, meaning that the state alone decided which commitments to include in the plan. The implementation lacked any regular multistakeholder consultation, where the continued absence of an Implementation Review Group to oversee overall plan implementation remains a serious concern.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Ireland. Table 3.1 summarises this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

1. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✔	
	Shared	Single
Is there a single lead agency on OGP efforts?		✔
	Yes	No
Is the head of government leading the OGP initiative?		✔
2. Legal Mandate	Yes	No
Is the government's commitment to OGP established through an official, publicly released mandate?	✔	
Is the government's commitment to OGP established through a legally binding mandate?		✔
3. Continuity and Instability	Yes	No
Was there a change in the organisation(s) leading or involved with the OGP initiatives during the action plan implementation cycle?		✔
Was there a change in the executive leader during the duration of the OGP action plan cycle?		✔

Ireland is a unitary state with a parliamentary system of government, led by a prime minister (taoiseach) who heads the Cabinet that is comprised of ministers who head departments (ministries). The lead department in charge of coordinating OGP activities in Ireland is the Department of Public Expenditure and Reform (DPER), one of the core ministries in the Irish government, currently under the leadership of Minister of Public Expenditure and Reform Paschal Donohue. As signed off by then-DPER Minister Brendan Howlin in 2014, the government's commitment to OGP was established through an official publicly released mandate.[1] DPER's mission is to

deliver 'well-managed and well-targeted public spending, through modernised, effective and accountable public services.'[2] While DPER led the development of this present action plan, other ministries were involved in different commitments, such as the Department of Justice and Equality (such as Commitment 3 on improving access to justice). There are two DPER staff members dedicated to working on OGP, but several commitments have civil servants from other governmental departments as leaders, or points of contact. The IRM researcher could not find the exact amount of the state budget specifically allocated to OGP.[3]

In terms of significant events, though there were no election during the development and implementation of the action plan, preceding elections in February 2016 led to no clear winner. Subsequently, there was a time-delay in government formation, resulting in the action plan being released at the end of 2016, corresponding to a rough delay of around six months from when the action plan should have been launched. Although the coalition partner (Fine Gael) remained the same, the previous Labour government that formulated Ireland's first action plan was no longer in power during development of the 2016–18 action plan. Therefore, DPER provided *institutional continuity* by playing the key coordinating role in both action plans. Notwithstanding, given the election results, the *political leadership in terms of officials in charge of DPER* changed between the action plan cycles (Paschal Donohue replaced Brendan Howlin).

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organisations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan.	1[4]	0	0	0	0
Propose: These institutions proposed commitments	9[5]	0	0	5[6]	0

for inclusion in the action plan.					
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	9	0	0	5	0

Under the leadership of DPER, participation in OGP involved several departments and independent government agencies. In terms of the process, DPER coordinated development of the governmental position and action plan (discussed in more detail below), while other departments and agencies worked alongside DPER officials. Other departments that also participated included the Department of Housing, Planning, Community, and Local Government (in the development and implementation of PPNs in Ireland), the Department of Justice and Equality (which led the implementation of the commitments related to access to justice), and the Department of Children and Youth Affairs (involved in the implementation of commitments on improving young people's participation in politics).

Nine ministries and five agencies were also involved in the implementation of the various milestones in the action plan. As seen throughout this report, government departments played a key role in the implementation of the commitments, oftentimes without input from civil society actors. This preponderance of the state taking the lead in implementing the commitments, almost to the exclusion of civil society participation, also took place during Ireland's previous action plan. Nor was an overall implementation review group established to oversee the implementation of the action plan as a whole.

3.3 Civil Society Engagement

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarises the performance of Ireland during the 2016–18 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 5 of 7						
Before	**1. Timeline Process & Availability**			**2. Advance Notice**		
	Timeline and process available online prior to consultation	Yes	No	Advance notice of consultation	Yes	No
		✔			✔	
	3. Awareness Raising			**4. Multiple Channels**		
	Government carried out awareness-raising activities	Yes	No	4a. Online consultations:	Yes	No
		✔			✔	

<table>
<tr><td rowspan="3"></td><td colspan="2"></td><td></td><td colspan="2">4b. In-person consultations:</td><td>Yes
✔</td><td>No
</td></tr>
<tr><td colspan="8">5. Documentation & Feedback</td></tr>
<tr><td colspan="6">Summary of comments provided</td><td>Yes
✔</td><td>No
</td></tr>
<tr><td rowspan="2">During</td><td colspan="8">6. Regular Multistakeholder Forum</td></tr>
<tr><td colspan="2">6a. Did a forum exist?</td><td>Yes
</td><td>No
X</td><td colspan="2">6b. Did it meet regularly?</td><td>Yes
</td><td>No
X</td></tr>
<tr><td rowspan="3">After</td><td colspan="8">7. Government Self-Assessment Report</td></tr>
<tr><td colspan="2">7a. Annual self-assessment report published?</td><td>Yes
</td><td>No
X</td><td colspan="2">7b. Report available in English and administrative language?</td><td>Yes
</td><td>No
X</td></tr>
<tr><td colspan="2">7c. Two-week public comment period on report?</td><td>Yes
</td><td>No
X</td><td colspan="2">7d. Report responds to key IRM recommendations?</td><td>Yes
</td><td>No
X</td></tr>
</table>

Civil society engagement during the development of the action plan occurred in two stages. First, DPER held an 'initial consultation' between 24 August and 30 September 2016, and commissioned CiviQ and TCI Engagement to prepare the consultation. DPER promoted the action plan consultation to the public through two Facebook campaigns (one targeting young people, and another targeting citizens with an interest in politics and community), as well as press and radio advertisements.[7] DPER posted an initial consultation document entitled 'Have your say- Creating a New National Action Plan 2016-2018' on the OGP Ireland website on 24 August 2016. The document contained a link to an online portal where interested members of the public could:

a) Propose a potential commitment,
b) Offer expertise to help develop or refine a potential commitment, or
c) Offer the experience and perspectives of a particular group that could be reflected in the development of the action plan.[8]

The call for proposals lasted one month (24 August to 30 September 2016), and was open to all interested members of the public. In addition to the online portal, the consultation document provided the option to submit proposals via post or telephone. The timeframe, instructions, and general guidelines for submitting proposals and commenting on submissions were laid out in the document. The document listed three central aims of the second action plan: 1) increased citizen engagement, 2) increased transparency and open data, and 3) strengthened governance and accountability.[9] DPER requested that commitment proposals should promote at least one of these three aims. The three aims were already determined by DPER prior to this initial consultation period.[10] In total, DPER received 55 submissions on the portal, 25 of which were submitted by organisations (including open government CSOs, such as Transparency International Ireland and Open Knowledge Ireland) and 30 by individual citizens.[11] The diversity of groups and individuals that submitted proposals demonstrated greater inclusivity during the development of the second action plan when compared to the development of the first action plan, reflecting the government's overall goal to have increased participation amongst all stakeholders. This contrasted with the development of the first action plan, which was dominated

by certain key CSO participants and hampered by antagonism between the CSOs themselves, which have had a history of poor interaction amongst each other as reported in more detail in the IRM progress report for the first action plan.[12]

In their effort to consult with stakeholders throughout Ireland, DPER also held two civic forums in Kilkenny (14 September 2016) and in Dublin (27 September 2016) as part of this initial consultation period. These forums were attended by 15 and 23 participants respectively, including a wide range of individuals, civil society, and government representatives from across the country. At the forums, participants discussed the possible commitments to be included in the action plan, including those that were submitted via the online portal and other means of submission. The forums posted their findings and minutes on the OGP Ireland website.[13]

After the close of this first stage of consultation, DPER appointed the independent firm CiviQ to identify from the submissions and comments from the civic forums the potential commitments to be included in the action plan. CiviQ identified potential commitments based on how well they met the OGP's SMART criteria, and on the comments received during the consultations.[14] DPER published an interactive table on the OGP Ireland website with a list of potential commitments that CiviQ determined were eligible to be included in the action plan and their corresponding comments from the civic forums.[15] However, based on interviews with some civil society leaders, there was no clear, direct feedback from CiviQ that was targeted specifically to participants on how the submissions were considered in detail.

The second stage saw DPER develop a draft action plan based on CiviQ's recommendations for commitments. A table was published online that responded directly to the proposals, including explanations for why certain suggestions were not included in the draft action plan (although there was no clear detailed feedback to each participant, as per the previous paragraph).[16] DPER published this draft on the OGP Ireland website on 17 November 2016, and it was available for comment until 30 November. CiviQ contacted CSOs and those who contributed to inform them that the draft was available, and initiated a social media awareness-raising campaign to advertise the draft plan. The final action plan was published on 7 December 2016.[17]

Unlike the first stage, this second stage saw very little actual consultation with stakeholders. DPER developed is draft action plan based solely on the CiviQ's collation of the proposals and comments without further consultation with the stakeholders. The draft action plan and the final action plan were essentially the same document. Empirically, this is reflected in the relatively simple comparative analysis of the content of the draft action plan released in November 2016 and the final plan adopted by the government in December 2016: there is no difference and the two documents are surprisingly verbatim.[18] There were 17 responses to the draft that outlined recommendations for changes, but they did not impact the commitments in the final action plan.[19]

With this in mind, civil society actors interviewed for this report feel that stakeholders did not fully shape and influence the inclusion of all the themes and commitments in the action plan. To be fair, many submissions in Stage 1 clearly are reflected in subsequent commitments in the action plan. But the *actual inclusion* of these commitments was never made by stakeholders: this was done by the state, based on the recommendations of CiviQ, that unilaterally drove the inclusion of central themes and commitments in the final document in Stage 2.

Finally, while the mechanisms for engagement were largely online, there was no forum or dialogue mechanism established for the government and stakeholders to

discuss the draft, which would have been expected in Stage 2 of the consultation. This represents a departure from the previous action plan's development, where a Joint Working Group (comprised of government and civil society leaders) was established to discuss the commitments for inclusion.

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) 'Spectrum of Participation' to apply to OGP.[20] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for 'collaborative.'

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

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multistakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarises that information.

Ireland has yet to establish a multistakeholder forum to monitor action plan implementation, despite having outlined this in Ireland's first action plan of 2014–16, and promises to do so during this cycle.[21] A few specific actions did include some consultation with civil society, such as Commitment 2 on Public Participation Networks.

The IRM midterm report for Ireland's first action plan called for DPER to establish an 'Implementation Review Group' (IRG) to oversee the action plan implementation as one of the Five Key Recommendations, but DPER failed to do so during the first year of implementation. The previous IRM midterm report provided specific recommendations for the proposed IRG, including:

1. Leaders of civil society should build bridges and discuss amongst themselves how they envisage CSOs and individual citizens should be represented on the IRG.

2. The results of these meetings should then be taken to the 'OGP team' established by the state.

3. In order to arrive at a final solution acceptable to all, a series of meetings should then be publicly announced and held on a firm schedule, with the view

that an IRG must be established within a fixed time frame (ideally as soon as possible).[22]

It is unclear why DPER did not follow this roadmap to establish the IRG, or why it was not considered a viable alternative to carry forward. Two concerns remain at this stage. First, from the government's perspective, there has been little progress in building bridges with civil society to develop a clear plan regarding their role in the IRG. Second, interviewed civil society representatives expressed concern that the government really does not care about involving all possible stakeholders in the monitoring and the implementation process.

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

DPER did not publish a self-assessment report as of time of writing the report (December 2017). However, the government published individual progress reports that describe implementation activities for each commitment separately on 27 June 2017. After publication, these individual reports were then open to public comment for a two-week period.[23] The assessments received four comments from stakeholders, three of which were related to PPNs.[24] DPER provided the IRM researcher with a draft version of these reports in September 2017. While the government initially posted a self-assessment on the OGP Ireland website for public comment on 18 October 2017, they suspended it on 19 October. The IRM researcher inquired with DPER regarding when the self-assessment report will be posted, but it remains unclear when this will happen (as of the time of writing, 10 December 2017).

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Action Plan?
1	Get word out: increase citizen awareness about the OGP and the National Action Plan	X	✔
2	Creating an 'OGP Team': Create a team from the state serving as a point of contact for the different public bodies, stakeholders, and citizens alike	X	✔
3	Establish the Implementation Review Group (IRG)	X	✔
4	Reduce the number of commitments, but don't recycle pre-existing initiatives in the next national action plan	✔	✔
5	Find a balance between participatory democracy and technocratic efficiency.	X	✔

During the development of the current action plan, DPER used social media to raise awareness of the consultation (Recommendation 1).[25] However, one may argue that this social media campaign did not go far enough to 'get the word out,' and thus this recommendation was not fully addressed. Two observations corroborate this point. First, no robust advertising took place in local media regarding Ireland's participation in OGP and the benefits that citizens can gain from the open government process. Second, there was little coverage of the OGP in mainstream news outlets, and there has been no reference to Ireland's participation in OGP in the *Irish Times* over the last two years.[26] The government has not developed an 'OGP Team' as described in Recommendation 2, meaning that the situation from the previous action plan where officials in DPER took the lead, as discussed in Section 3.1, remained mostly in place. As discussed in Section 3.4, the Implementation Review Group (Recommendation 3) has yet to be established.

With regard to Recommendation 4, this was addressed. The second action plan contains 15 commitments, which is a reduction from the previous plan's 20 (although over 40 milestones are found in this plan, as opposed to 30 in the first plan.) That said, the government paid some credence to this recommendation given that most commitments are new initiatives that have not been recycled from previous initiatives. Finally, regarding finding a balance between technological efficiency and participatory democracy (Recommendation 5), this was not addressed. As one interviewed civil society representative told the IRM researcher, many CSOs believed that the whole development of the action plan 2016–18 as being a 'box ticking exercise,' something explicitly flagged by the IRM midterm report 2014–16 to avoid. Nor, as will be seen in analysis of the commitments, were stakeholders involved in the implementation of most of the initiatives, meaning that participatory democracy was hardly reached.

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[1] 'Ireland,' Open Government Partnership, n.d., https://www.opengovpartnership.org/countries/ireland.

[2] The Department of Public Expenditure and Reform mission statement, http://www.per.gov.ie/en/mission-statement/.

[3] This is based on desk research, including examination of the 2016 Budget at: http://www.budget.gov.ie/Budgets/2016/Documents/Budget%20Book%202016%20-%20full%20document.pdf.

[4] Department of Public Expenditure and Reform

[5] DPER; Dept. of Communications, Climate Action and Environment; Dept. of Housing, Planning, and Local Government; Department of Justice and Equality; Dept. of Health; Dept. of Children and Youth Affairs; Department of Social Protection; Department of Education; Department of Defence;

[6] Irish Human Rights and Equality Commission; OGCIO (Office of the Government Chief Information Officer); National PPN Advisory Group; National Archives; Charities Regulator

[7] Ireland's Open Government Partnership National Action Plan 2016-2018, December 2016, p. 6. https://www.opengovpartnership.org/sites/default/files/Ireland_NAP_2016-2018.pdf.

[8] Taken verbatim and as stated in the pre-consultation document, on: https://consult.ogpireland.ie/en/consultation/open-government-partnership-ireland-have-your-say, p. 9

[9] Ibid., p. 6

[10] Theoretically, the state therefore exercised the 2nd dimension of power as discussed by Stephen Lukes, meaning that actor 'A' (in this case, the state) exercised power over actor 'B' (stakeholders) by setting the agenda of points on which 'B' could comment. Stephen Lukes, *Power: A Radical View* (London, 1974).

[11] For a complete list of the submissions, see: https://consult.ogpireland.ie/en/node/7/submissions.

[12] For more information on the consultation process during the first action plan, see: Ireland 2014-2015 IRM Progress Report, https://www.opengovpartnership.org/documents/ireland-2014-2015-irm-progress-report-final, pgs. 16-18.

[13] For the Dublin forum, see: http://www.ogpireland.ie/civic-forum-dublin/; For the Kilkenny forum, see: http://www.ogpireland.ie/civic-forum-kilkenny/.

[14] For more information on OGP's SMART criteria for commitments, see: https://www.opengovpartnership.org/about/working-groups/civil-society-engagement/preparing-plan.

[15] For the interactive table, see: http://www.ogpireland.ie/actions/.

[16] For a list of these responses, see: http://www.ogpireland.ie/response-to-submissions/.

[17] On the release on the publication on 7 December 2016 on the OGP Ireland portal, see: http://www.ogpireland.ie/2016/12/07/irelands-ogp-national-action-plan-is-now-published/.

[18] The Draft NAP of November 2016 can be found here: https://consult.ogpireland.ie/en/consultation/irelands-draft-national-action-plan-2016-2018 The Final NAP approved by Cabinet in December 2016 can be found here: http://www.ogpireland.ie/wp-content/uploads/2013/06/Final-National-Action-Plan-2016-2018.pdf.
[19] For a complete list, see: https://consult.ogpireland.ie/en/node/143/submissions.
[20] For more information on the IAP2 Spectrum, see: http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.
[21] For comments on establishing a implementation review forum for this action plan, see page 3 of the action plan 2016-18, https://www.opengovpartnership.org/sites/default/files/Ireland_NAP_2016-2018.pdf.
[22] For more information on the recommendations for the IRG, see the Ireland 2014-2015 IRM Progress Report, https://www.opengovpartnership.org/sites/default/files/Ireland_2014-15_Final_0.pdf. Pg. 85-86.
[23] This can be found on: https://consult.ogpireland.ie/en/consultation/open-government-partnership-national-action-plan-2016-2018-implementation-review.
[24] See: https://consult.ogpireland.ie/en/consultation/open-government-partnership-national-action-plan-2016-2018-implementation-review.
[25] See, for example, CiviQ's page: https://www.facebook.com/CiviQEU/posts/1117774228292425.
[26] The IRM researcher searched on 14 November 2017 *The Irish Times* digital archives through TCD library, for articles between 1 January 2016 until day of search (14 November 2017). Search terms included both 'open government partnership' and 'OGP'. One article dated 16 January 2016 did come when the term 'OGP' was used, but it was related to the state body 'Office of Government Procurement.'

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1]

What Makes a Good Commitment?

Recognising that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyses the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
    - High: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
    - Medium: Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
    - Low: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
    - None: Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
    - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
    - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
    - Public Accountability: Will the government create or improve opportunities to hold officials answerable for their actions?
    - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?[2]
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
    - Identify the social, economic, political, or environmental problem;
    - Establish the status quo at the outset of the action plan; and

- Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have 'medium' or 'high' specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a 'transformative' potential impact if completely implemented.[3]
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of 'substantial' or 'complete' implementation.

Based on these criteria, Ireland's action plan contained one starred commitment, namely:

- Commitment 13: Develop a Code of Practice for the Governance of Charities

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Ireland and all OGP-participating countries, see the OGP Explorer.[4]

General Overview of the Commitments

The action plan focused on four key areas:

(1) Increased citizen engagement, to improve policies and services;

(2) Increased transparency, to better understand government activities and decisions;

(3) Open data, for transparency and innovation;[5]

(4) Anti-corruption and strengthened governance and accountability, to ensure integrity in public life.

The action plan did not pass multiple versions. As reported earlier, the final action plan adopted by the government in December 2016 was the exact same as the draft plan that was tabled a month earlier in November and sent for public comment (effectively, the draft was neither changed nor amended).

Themes

The IRM did not substantially reorganise the commitments in a way that differs from the original action plan. This is because the 15 commitments were clearly organised and, when multiple milestones existed, showed coherence. The slight restructurings of the action plan are as follows, for different reasons as mentioned in each case of restructuring:

- Sections A, B, and C of Commitment 3 are clearly subdivided in this report. The government effectively did this in the action plan, but here the IRM researcher reported on the relevant milestones in sections 3A, 3B and 3C for the sake of full clarity. In 3C, the IRM researcher did a slight clustering as well: what the government referred to as milestones C1 and C3, the IRM researcher clustered together and referred to them as 4C1 given the

similarities between C1 and C3. 4C2 in this report is effectively the same as the government's C2.

- This report subdivides Commitment 4 of the action plan into parts '4A' and '4B,' where 4A analyses the commitment's first three milestones and 4B focuses on Milestone 4. This reasons for this restricting was because the first three milestones look at citizen engagement more generally, while the fourth milestone focuses specifically on youth and is therefore treated separately.

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[1] Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.
[2] IRM Procedures Manual. Available at: http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx.
[3] The International Experts Panel changed this criterion in 2015. For more information visit: http://www.opengovpartnership.org/node/5919.
[4] OGP Explorer: bit.ly/1KE2WII
[5] In the original pre-consultation document issued by the government in September 2016 discussed above, both (2) and (3) were coupled together, so the key areas did not change *per se*.

1. Promote Transparent Climate Policy Development

Commitment Text:

Objective: *To integrate the transparency requirements of United Nations Climate Change agreements into the Open Government Partnership National Action Plan so that open government reforms can help advance climate action.*

Status quo: *At the Paris climate conference (COP21) in December 2015 countries adopted a legally binding global climate Agreement that seeks to avoid the impacts of climate change by limiting global warming to below 2°C. Among the core principles of the Paris Agreement are the concepts of enhanced transparency, accountability and participation.*

Consultation is at the heart of work being undertaken to create both the first National Mitigation Plan (NMP) and the National Adaptation Framework (NAF). Some non-statutory consultations have already taken place and statutory consultations will be undertaken during the development of the NMP and NAF during 2017.

The co-chairs of the Open Government Partnership, the World Resources Institute and the Government of France have produced guidance for integrating climate commitments in OGP National Action Plans.

As part of the 2016 Program for Partnership Government it has been agreed that the Government will establish a National Dialogue on Climate Change that will involve extensive public consultation. This will incorporate the key infrastructural, land use and economic issues to be considered in our long-term transition to a new low carbon future.

Ambition: *To inform decision making on climate action through consulting interested members of the public.*

Milestone:

1.1. Initiate the implementation of the National Dialogue on Climate Change

Responsible institution: Department of Communications, Climate Action and Environment (DCCEA)

Supporting institutions: All Government Departments, State Agencies as well as Local Authorities and sectoral representatives will be central in holding a constructive Dialogue.

Start Date: January 2017

End Date: June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete

1. Overall		✔				✔				✔			Yes		✔		

Editorial Note: This is the only milestone originally mentioned in this commitment in the 2016–18 action plan. Even though in its progress report on the commitment, the government noted other milestones under this commitment, these did not form part of the original action plan and are thus not evaluated as there is no benchmark text in the original action plan against which to evaluate them.

Context and Objectives

Ireland ratified COP21 on global climate change in November 2016, and the Department of Communications, Climate Action, and Environment introduced the country's first National Mitigation Plan (NMP) in July 2017 to reduce greenhouse gas emissions. Article 13 of COP21 calls for participating countries to 'establish an enhanced transparency framework for action and support, with built-in flexibility which takes into account Parties' different capacities and builds upon collective experience.'[1] This commitment seeks to address the Paris Agreement's transparency framework requirement by creating the National Dialogue on Climate Action (NDCA) as part of the government's Programme for a Partnership Government. The objective of the NDCA is to:

1) Create awareness, engagement, and motivation to act (locally, regionally, and nationally) in relation to the challenges presented by climate change;

2) Create structures and information flows to facilitate people gathering to discuss, deliberate, and maximise consensus on appropriate responses to these challenges, and to enable and empower appropriate action;

3) Establish, on a long-term basis, appropriate networks for people to meet periodically to consider evidence-based inputs on the economic, social, behavioural, environmental, and public aspects of climate and energy policy;

4) Provide regular input, through the NDCA, into the prioritisation and implementation of climate and energy policy which can be reported and monitored at local/regional/national levels.[2]

The NDCA calls for 'extensive consultations' as part of Ireland's plan to reduce carbon emissions, and thus the commitment is relevant to the OGP value of civic participation. However, the commitment does not specify the extent of these consultations, how the consultations will be advertised to the public, or how the consultations will be carried out. Therefore, the commitment's specificity is marked as low. Even if the public is consulted on the issue, it does not provide a mechanism to guarantee that the consultations will have an actual impact on the formation of Ireland's climate policy. Thus, the commitment's potential impact is marked as minor.

Completion

Implementation of this commitment has been limited in the first year of the action plan cycle, but it is on schedule. According to the government's self-assessment report for the commitment provided to the IRM researcher in September 2017, an advisory board consisting of civil society has been established to assist the minister for communications, climate action, and environment in the commitment. The DCCAE published the Draft National Mitigation Plan (NMP) in March 2017 and updated it in July 2017 shortly after the first year of the action plan, including a plan to implement the public consultations in accordance with the NDCA.[3]

Notwithstanding these achievements, planning for the first round of regional stakeholder events is still underway at the end of the first year of implementation.

Next Steps

Implementation of the Paris Agreement's transparency requirements is a worthy yet formidable task, unlikely to have been fully achieved during the two-year cycle plan of the action plan. This commitment seeks to initiate that dialogue through the NDCA. If stakeholders become key policy-making participants in this commitment, that dialogue should be carried forward into future action plans. However, the IRM researcher recommends modifying the commitment to guarantee that this dialogue continues during the full formulation and implementation of the policy in the future. In their 2017 Climate Change Performance Index, three climate change NGOs ranked Ireland 49th out of 60 countries examined and the lowest-ranked country in Europe for climate action.[4] According to Jerry MacEvilly, a policy coordinator for the Ireland-based Stop Climate Chaos coalition, Ireland's poor performance in climate action reflects 'the continuing and disturbing contradiction between government rhetoric on climate change and the sad reality of policy implementation in Ireland.'[5] Given Ireland's poor historic performance in climate policy, the IRM researcher also recommends that working on completing this commitment or modifying it for the future, along with working on challenges in this policy area more generally, should be deemed a priority for the government.

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[1] 'Transparency of support under the Paris Agreement,' United Nations Climate Change, n.d., http://unfccc.int/cooperation_and_support/financial_mechanism/items/10121.php.

[2] See: https://www.dccae.gov.ie/en-ie/climate-action/topics/national-dialogue-on-climate-action/Pages/default.aspx.

[3] This is available at: https://www.dccae.gov.ie/documents/National%20Mitigation%20Plan%202017.pdf.

[4] This quote is taken from *The Irish Times*, November 16, 2017, 5 (print version). The three NGOs for whom the authors (Burck, Marten, Bals and Höhne) of this report titled *Climate Change Performance Index: Results 2018* work, are as follows: Germanwatch, New Climate Research and Climate Action Network. The report in full can be found at: https://germanwatch.org/en/download/20503.pdf.

[5] This quote is taken from *The Irish Times*, November 16, 2017, p. 5 (print version).

2. Support Public Participation Networks

Commitment Text:

Objective: *Drawing on initial experiences of the operation of Public Participation Networks, continue to pro-actively work to provide necessary supports and promote best practice.*

Status quo: *The primary responsibility and accountability for decision-making within the local authority resides in the elected council. As part of a revitalisation of local government, the approaches to engage the public in local authority policy formulation and service design will go beyond the range of communication, consultation and community participation mechanisms used in the past. Approaches to stimulate greater public participation will complement rather than diminish, compete with, or substitute for local representative democracy. The participation of members of local communities, whether as individuals or as members of local sectoral, community or other groups in public life and their right to influence the decisions that affect their lives and communities are at the centre of democracy. Open and inclusive policy-making enhances transparency and accountability, and builds civic capacity.*

A National PPN Advisory Group has been established, representative of relevant stakeholders, and chaired by the Department of Housing, Planning, Community and Local Government. A PPN User Guide has been developed to provide practical assistance to PPNs. Resources have been provided to recruit dedicated resource workers for each PPN. A PPN Data Base comprising a robust data and information management system that all PPN's can use is being rolled out. A series of training and information events have been provided at a number of different geographical locations to support PPNs and local authorities. The public consultation for this National Action Plan highlighted the need to ensure that PPNs are supported through the dissemination of best practices across local authorities.

Ambition: *To ensure that Public Participation Networks provide the community and voluntary and environmental sectors with meaningful engagement with Local Authorities.*

Milestone:
2.1. Put in place a fully representative and transparently nominated National PPN Advisory Board. With National Advisory group guidance:
- Engage with all stakeholders, including PPNs, community-based PPN member organizations and local authorities.
- Update and improve the PPN user guide
- Continue on-going training/capacity building programs for local PPN participants, including local authority members and officials
- Develop a national communications/awareness raising plan for PPNs
- Roll out and update as necessary Client Relationship Database for PPNs

Responsible Institution: Department of Housing, Planning, Community and Local Government
Supporting institutions: All local authorities

Start Date: January 2017

End Date: June 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Overall			✔		✔	✔					✔		Yes			✔	

Context and Objectives

Roughly 36 percent of Ireland's population lives in rural localities, making local government important to the everyday lives of many citizens.[1] Ireland's first action plan introduced platforms for public participation at the local government level, referred to as Public Participation Networks (PPNs). As a result, there are currently 31 PPNs running in all 31 local communities in Ireland, allowing CSOs and volunteer organisations to participate in decision making together with local public authorities.[2] This commitment seeks to make the PPNs more representative of all stakeholders by establishing a National PPN Advisory Group. Such a group has existed since 2016, but its membership was chosen by the Department of Housing, Planning, Community, and Local Government, and members were not nominated or elected by stakeholders. The commitment calls for this group to offer strategic guidance on issues such as promoting best practice regarding PPNs throughout Ireland, provide training for PPN participants (including training local officials), and raise awareness for PPN activities.

Given the emphasis on engaging various local stakeholders on how to make the National PPN Advisory Group fully representative and making policy formulation more inclusive and representative of all stakeholders, the commitment is relevant to the OGP value of civic participation. Further, the Client Relationship Database for PPNs is relevant to information access, given that it constitutes a robust data and information management system that all PPNs can use. The main objective of having a fully representative group that is transparently nominated, along with the specific milestones such as updating the PPN user guide and developing a national awareness-raising campaign for the PPNs, are reasonably verifiable. However, the commitment does not fully outline what constitutes 'fully representative' and 'transparently nominated.' Therefore, the specificity is considered medium. If fully implemented, this commitment will provide PPNs a foundation to give local communities the means to meaningfully engage with local authorities. However, its potential impact is moderate, as opposed to transformative, because Ireland has a unitary system of government where most of the significant policies are made at the central level of governance.

Completion

The first year of implementation has seen substantial progress, particularly regarding development of the National PPN Advisory Group, and the commitment is overall on schedule. At the end of June 2017, the government indicated in its progress report on the commitment that it has taken the first steps to establish the Advisory Group. This is evidenced by a call in May 2017 when the Department of Housing, Planning, Community, and Local Government started the process of electing individuals, where each local PPN was invited to seek nominations. In terms of process, each local PPN was invited to seek nominations from within their membership and nominate one representative from each sectoral college (Community and Voluntary, Social Inclusion, and Environmental). It was required that the nomination process adopted by local PPNs be inclusive, transparent, and fair, where nominated individuals explicitly state their willingness to take up a position on a newly constituted National PPN Advisory Group. Nominations were made to the department through individual PPNs by 30 June 2017 and simply contain the nominee's name, contact details (mail/phone), and sectoral college being represented. The members of the new Advisory Group would be appointed for a period of three years.[3] Although the Advisory Group was not set up in the first year of the action plan, a government official involved in the commitment informed the IRM researcher that the Advisory Group was eventually set up by October 2017.[4] Other activities, such as continuing with training events for local PPN participants, commenced. This included a series of training and information events at various locations throughout the country to support PPNs and local authorities during the first year of the action plan.[5]

The PPN User Guide was updated in March 2017, and included a revamped and complete analysis of the principles and values of PPNs, clear diagrammatic representation of the structure of a PPN, and a full outline of the roles, rights, and responsibilities of PPN representatives.[6] With regard to the national communications/awareness raising plan for PPNs, the department's website of all PPN-related material has been updated as evidenced in desk research, while the government reports that the PPN Annual Activity Report for 2016 is to be released in Q4 2017.[7] The government claims in its progress report that it made the PPN client database available to all 31 PPNs, but it has not been fully rolled out at this stage. This is envisaged to take place in the second year of the action plan.

Next Steps

This is an ongoing commitment. If various aspects are not implemented during the current action plan cycle, the IRM research recommends carrying them forward into the next plan with some additional milestones. The IRM researcher recommends, in line with stakeholder recommendations, creating a systemised process for regularly reviewing and improving the PPN User Guide,[8] even if this does not form part of a future commitment in an action plan.

While the PPNs have been generally successful in increasing participation at the local level, stakeholders like Social Justice Ireland have raised concerns over the lack of funding.[9] Therefore, the IRM researcher recommends providing the Advisory Group more financial resources to oversee training for local government staff.

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[1] Taken from the World Bank at: https://tradingeconomics.com/ireland/rural-population-percent-of-total-population-wb-data.html.

[2] See: http://drcd.gov.ie/list-of-ppn-website/.

[3] More information and documentation are available on the Meath PPN and Clare PPN websites, http://www.meathppn.ie/2017/06/09/nominations-for-ppn-national-advisory-group/ and http://clareppn.ie/notice-of-election-call-for-nominations-for-representatives-to-sit-on-the-national-advisory-forum-for-public-participation-networks-in-ireland/, respectively.

[4] Given that the Group was established in year two of the plan, analysis of it will be considered in more detail in the end of term report.
[5] See for example the events scheduled at the following local PPNs: Carlow PPN, Louth PPN, Limerick PPN, Kildare PPN, Meath PPN
[6] The updated version of the PPN User Guide from March 2017 is available online here: http://drcd.gov.ie/wp-content/uploads/public_participation_networks_ppns_user_guide_march_2017.pdf.
[7] See: http://drcd.gov.ie/list-of-ppn-website/.
[8] See Comments by Helen Howes, found on: https://consult.ogpireland.ie/en/submission/CVQ-271.
[9] See Comments by Social Justice Ireland found on https://consult.ogpireland.ie/en/submission/CVQ-258.

3A. Improve Access to Justice: Reducing Costs

Commitment Text *(note: this text is also relevant to 3A, 3B, and 3C of this report)*:

Objective: *Improve access to justice by reducing its cost, assisting those who require support, and improving oversight of legal practitioners.*

Status quo: *The Legal Aid Board provides legal advice, for a nominal fee, on certain civil matters to those below certain income thresholds. However, there have been criticisms that high legal fees for those above the income thresholds reduces access to justice. The opaque nature of how those legal fees are calculated has also been criticised. The recently established Legal Services Regulatory Authority is charged with the oversight of legal practitioners, legal services and creating a more transparent legal costs regime in the State as provided for under the Legal Services Regulation Act 2015.*

The Irish Government recently began a scheme, Abhaile, of free legal and financial advice, as well as professional assistance, to certain borrowers who find themselves at risk of losing their home due to mortgage arrears. This initiative will seek to encourage engagement of borrowers and creditors in alternative dispute resolution mechanisms, prevent unnecessary recourse to the courts, and minimise repossessions for distressed borrowers.

Milestones:

A) Reduce the cost of accessing justice by:

3A.1 - Introducing new legal business models, such as Legal Partnerships. This will help to integrate the dual model of legal representation in Ireland and will enable legal entities to become more efficient in dealing with their clients.

3A.2 - Implementing a new system to adjudicate on the costs associated with legal proceedings. This new independent process will involve publishing determinations in respect of legal cost disputes. This action will help to create openness, consistency and clarity around the costs of accessing justice.

3A.3 - Introducing a quicker and cheaper informal arrangement for the resolution of complaints surrounding the costs of legal representation. This informal mechanism may be accessed by aggrieved clients prior to going to full adjudication.

3A.4 - Classifying unjustifiable overcharging of clients as 'serious misconduct'. This would be adjudicated by the new independent oversight body for legal practitioners. A robust penalties and professional disciplinary scheme will be applied to those found to have grossly overcharged clients.

3A.5 - Encouraging greater use of alternative dispute resolution. We will introduce a new framework to promote mediation as a viable, effective and efficient alternative to court proceedings thereby reducing legal costs, speeding up the resolution of disputes and relieving the stress involved in court proceedings.

Responsible institution: Department of Justice and Equality

Supporting institution: Department of Health, Decision Support Service

Start date: January 2017

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3A. Overall			✔		✔		✔			✔			Yes		✔		
3A.1. New legal business models		✔					✔		✔				Yes		✔		
3A.2. New system to adjudicate legal proceedings costs			✔		✔		✔			✔			Yes		✔		
3A.3. New informal arrangement for the resolution of legal representation cost complaints		✔					✔			✔			Yes		✔		
3A.4. Classifying unjustifiable overcharging of clients as 'serious misconduct'		✔					✔			✔			Yes			✔	
3A.5. New framework for mediation as alternative to court proceedings			✔				✔			✔			Yes			✔	

Context and Objectives

In 2015, the *Irish Times* reported that legal costs in Ireland were the highest in the western world.[1] This report was based on an analysis of the costs related to medical

lawsuits, but evidence can also be found in the high costs associated with court cases related to those losing their homes due to non-payment of mortgages. This is despite initiatives such as the Legal Aid Advisory Board that have not been able to bring down costs for citizens needing legal representation in these key issue areas. As reported by the *Irish Examiner*, the impact of this is that 'the cost of legal services denies a great number of citizens the protection of the courts hence the integrity and independence of our justice system.'[2] These five milestones thus seek to reduce of the cost of accessing justice in Ireland by:

Milestone 3.A1 – Introducing new legal business models, such as Legal Partnerships. As reported in the *Irish Times*, this will allow barristers the choice of forming partnerships or working as sole traders to explore new ways of delivering barrister services,[3] and by entering into partnership with either other barristers or solicitors.[4] This will effectively allow for services to be 'provided at more competitive cost to consumers by legal and non-legal service providers together.'[5]

Milestone 3.A2 – Creating a new independent process to adjudicate on the costs associated with legal proceedings. Although the Taxing Master's Office (which is an office of the High Court and is not affiliated with the Revenue Commissioners[6]) has previously overseen legal costs and disputes, there is a lack of transparency in its functions. The Law Society's own Independent Adjudicator has called for legal costs to be 'brought out into the open with better public awareness and entitlement to legal costs information.'[7] This milestone also calls for publishing the determinations of legal cost disputes.

Milestone 3.A3 – Introducing a quicker and cheaper informal arrangement for the resolution of legal representation cost complaints. However, there is no clear differentiation between this milestone and 3.A2.

Milestone 3.A4 – Classifying unjustifiable overcharging of clients as a 'serious misconduct' and applying penalties to legal professionals who overcharge their clients. In terms of the status quo, if a client is unsatisfied with a solicitor's fee, they can take a complaint to the Law Society of Ireland, the regulatory body of Irish solicitors, and ultimately, the Taxing Master.[8]

Milestone 3.A5 – Introducing a new framework to promote mediation as an alternative to court proceedings, where promoting resolution of disputes through mediation speeds up dispute resolution and is less costly than doing so through courts.

The commitment attempts to decrease the barriers for access to justice by reducing associated costs associated and increasing regulations to which legal professionals must abide. Therefore, the commitment is relevant to the OGP value of public accountability. Because 3.A.2 involves publishing decisions on legal cost disputes that will presumably be publicly available (although the text itself does not say where they will be published), the commitment is relevant to access to information. While the milestones include verifiable activities, the specific wording makes them open to interpretation. Terms such as 'Legal Partnership' and 'legal business models' make Milestone 3.A1 unclear. Milestone 3.A2 calls for publishing the determinations of legal cost disputes, but does not: specify where they will be published, clearly state any reference to the system in place that is being referred to, and explain how this is envisaged to be changed. Milestones 3.A3 does not explain how the 'informal' complaints resolution system will be synthesised into more formal legal frameworks. Milestone 3.A4 neither specifies what is meant by 'serious misconduct,' nor provides details for what the penalties will be for this misconduct. Milestone 3.A5 promises to

introduce mediation as an alternative to court proceedings and is slightly more specific, but does not give details regarding what this mediation would look like or what its relationship to the formal court system will be. Given the overall medium specificity, it is difficult to see how the commitment will fully reduce the excessively high legal costs in Ireland. The overall potential impact for this commitment is minor. This potential impact may have been greater if the commitment's milestones got at the heart of the high legal costs in Ireland, associated with key issues such as medical lawsuits and non-payments of mortgages as discussed in the beginning of this section. Notwithstanding, with regard to 3.A5, the Women's Aid organisation 'recognises the potential of mediation to positively resolve family disputes in cases where there is no domestic violence.'[9]

Completion

The overall implementation level for this commitment is limited, although it is on schedule.

- Milestone 3.A1: Limited implementation and on schedule. According to the government's progress report on this commitment, progress has been made regarding the public consultation commenced by the Legal Services Regulatory Authority to garner views from stakeholders on legal partnerships, verified by desk research.[10] There were eight written responses to the consultation process. One response came from the Law Society of Ireland, where it outlined a range of issues regarding Legal Partnerships, including benefits and risks to clients and ethical implications for legal practitioners.[11]

- Milestone 3.A2: Limited implementation and on schedule. Officials from the Department of Justice and Equality that were interviewed by the IRM researcher's team confirmed that the Office of the Legal Costs Adjudicator was originally meant to be established by the end of 2017, but it was delayed due to appointing staff and developing and integrating an online platform that would allow the publication of important decisions online. It is still on schedule given that it is to be completed by the action plan deadline of July 2018.

- Milestone 3.A3: Limited implementation and on schedule. The government states in its progress on the milestone that 'provision (has been) made under Part 6 of the Legal Services Regulation Act for informal resolution.' As this was unclear, the IRM researcher's team interviewed the relevant public officials who stated that the new complaint system still needs to be set up.[12] It was meant to be established by the end of 2017; however, due to staffing and IT capacity issues, the deadline has now been extended to the end of 2018.

- Milestone 3.A4: Substantial implementation and on schedule. Although it has yet to be fully implemented, the government's progress report indicates that it has included a new category of 'grossly excessive' legal costs under section 50 of the Legal Services Regulation Act 2015, as verified by desk research.[13]

- Milestone 3.A5: Substantial implementation and on schedule. A Mediation Bill was published in February 2017 and is waiting for final approval in the lower house in the first year of the action plan. It is expected to be adopted in the second year of the action plan. During the consultation by the Department of Justice and Equality in which interested parties were asked to give their views on how cases are processed in light of the proposed legislation and its impact on the profession, the Law Society of Ireland stated that the Mediation Bill will likely have a strong impact on how civil law disputes are processed and

resolved. It will also strongly impact the conduct of practicing solicitors in civil proceedings on behalf of their clients.[14]

Next Steps

If the milestones in this part of the commitment (3A) are not fully implemented during the current action plan cycle, the IRM researcher recommends carrying them forward to the next plan, and to more clearly state what the objectives and legislative initiatives associated are for each.

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[1] Paul Cullen, 'Legal costs in Ireland are now highest in western world,' *Irish Times*, 3 January 2015, https://www.irishtimes.com/news/health/legal-costs-in-ireland-are-now-highest-in-western-world-1.2053218.

[2] 'Legal costs challenged: Scale of fees are a barrier to justice,' *Irish Examiner*, 2 March 2015, https://www.irishexaminer.com/viewpoints/ourview/legal-costs-challenged-scale-of-fees-are-a-barrier-to-justice-315470.html.

[3] Isolde Goggin, 'Barristers should be allowed to form legal partnerships,' *Irish Times*, 9 April 2012, https://www.irishtimes.com/news/crime-and-law/barristers-should-be-allowed-to-form-legal-partnerships-1.497809, 2012.

[4] 'The basic difference between barristers and solicitors is that a barrister mainly defends people in court and a solicitor mainly performs legal work outside court.' See: https://www.brightknowledge.org/law/what-is-the-difference-between-a-barrister-and-solicitor.

[5] *Minister Fitzgerald welcomes the completion of passage of the Legal Services Regulation Bill,* http://www.justice.ie/en/JELR/Pages/PR15000646.

[6] See: http://www.citizensinformation.ie/en/justice/court_offices/office_of_the_taxing_master.html.

[7] Law Society Independent Adjudicator's website: http://www.independentadjudicator.ie/the-legal-services-regulation-act-2015/.

[8] In more detail, 'A solicitor's fee must not be excessive for the work done. If you think your solicitor's bill is excessive you should contact your solicitor to seek clarification and try to come to an agreement. Information on fees is available in the Law Society's Information in relation to legal charges (pdf) leaflet. If you are still not happy you can make a complaint to the Law Society. As the regulatory body for solicitors in Ireland, the Law Society sets down rules and regulations about how solicitors may conduct their business, including legal charges. There is a Disciplinary Tribunal, which can investigate any allegations of misconduct made against a solicitor. Read more about making a complaint about a solicitor in Ireland here. You could also have your legal costs independently and impartially assessed by the Taxing Master, this is called the taxation of costs. The Taxing Master is an office of the High Court and has nothing to do with taxes or the Revenue Commissioners. The Courts Service has information on the taxation of costs on its website.' Taken from the Citizens Information website: http://www.citizensinformation.ie/en/justice/civil_law/cost_of_the_case.html.

[9] https://www.womensaid.ie/download/pdf/20170716215505.pdf.

[10] In more detail, 'On Friday 24 February 2017, the Authority published a general invitation calling for the submission of the views on the regulation, monitoring and operation of legal partnerships…(where) written responses were requested by Friday 24 March 2017…. In addition to the online publication on the Authority's website, the Authority arranged for the notice to be published in three national newspapers, *The Irish Times*, *The Irish Examiner* and *The Irish Independent* on Saturday 25 February 2017...The consultation was designed to elicit the views on the issues that could arise at various stages during the potential lifecycle of a legal partnership. It was not intended to reopen the question of whether or not legal partnerships should be permitted.' Legal Services Regulatory Authority (LSRA) report Section 118: http://www.lsra.ie/en/LSRA/s118%20Report%20Final%20April%202017%20pdf.pdf/Files/s118%20Report%20Final%20April%202017%20pdf.pdf.

[11] See: https://www.lawsociety.ie/globalassets/documents/lsra/legal-partnerships-march2017.pdf.

[12] Interviewees from the Department of Justice and Equality, December 2017

[13] See Article 50, subsections 50. (1)l, 50(2).a-c, http://www.irishstatutebook.ie/eli/2015/act/65/section/50/enacted/en/html#sec50.

[14] 'Mediation Bill 2017,' Law Society of Ireland, April 2017, https://www.lawsociety.ie/globalassets/documents/committees/arbitration-and-mediation/submission--mediation-bill-2017.pdf.

3B. Improve Access to Justice: Framework to Assist Vulnerable Persons

Commitment Text:

Introduce a new statutory framework to assist vulnerable persons and individuals with decision-making capacity difficulties to exercise their legal capacity. The new framework will replace the outdated "Wards of Court" system and establish a modern statutory framework to support decision-making by adults with capacity difficulties. The aim is to safeguard the person's autonomy to the greatest extent possible by offering a continuum of decision support options most appropriate to the person's needs.

Milestone
3B. Introduce a new framework to assist vulnerable persons and individuals with limited decision-making capacity

Responsible institution: Department of Justice and Equality

Supporting institution: Department of Health, Decision Support Service

Start date: January 2017

End date: June 2018

Editorial Note: For the remainder of this commitment text, please see Commitment 3A.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3B. Overall		✔			Unclear					✔			Yes	✔			

Context and Objectives

Under the present system there is a weak statutory framework to support decision making by adults with capacity difficulties. In this regard, regulations needed to be put in place to safeguard the person's independence and autonomy, as a function of their most appropriate needs. The main objective of the new proposals, as stated the *Irish Times*, is that

> …adults will no longer be able to be made wards of court and instead a decision-making assistant, a co-decision-maker or an attorney will be appointed based on the capacity of the person. The legislation will allow for the court to intervene when it rules a person lacks the capacity

> to make decisions. The courts will have the power to appoint a decision-making representative to help the person. Under the current legislation wards are denied the possibility of making decisions on fundamental matters including getting married.[1]

While granting access to decision making and self-determination support options for those with capacity difficulties is laudable, the commitment as written is not relevant to OGP values because it focuses on enhancing autonomy rather than participation or accountability. The specificity is low because the text does not clearly indicate what the 'new framework' will include and how the implementation of this framework will take place. The potential impact is minor. While it may potentially change the status quo, and assist an important part of the population with limited decision-making capacity, its lack of specificity means that it is hard to see how it will change business as usual in a transformative way.

Completion

The milestone's implementation has not started, but is on schedule. This assessment is based on the evidence raised in the government's progress report on this milestone and interviews with government officials conducted by the IRM researcher's team. From the progress report, it became clear that while the legislation known as the Assisted Decision-Making Act 2015 provides a framework to support decision making by adults with capacity difficulties, this milestone has as its main goals to ensure its full implementation regarding the decision-making support options provided in the Act. Based on interviews with officials in the Department of Justice and Equality,[2] the IRM researcher learned that the Assisted Decision-Making Act 2015 is a joint legislation between the Department of Health and the Department of Justice and Equality, with the former leading the implementation of this new framework. Very little progress has been made in the first year of the action plan, although in October 2017 the new director of the Decision Support Service, which is a new part of the Mental Health Commission, was appointed.[3] This director will implement this commitment over the second year of the action plan, with significant progress expected in early 2018 during the second year of the plan. There has been no civil society involvement in the implementation of this milestone.

Next Steps

If fully implemented during the second year of the action plan, this milestone does not need to be carried forward into the next action plan.

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[1] Sarah Bardon, 'Proposed law would end adult wards of court,' *Irish Times,* 10 June 2015, https://www.irishtimes.com/news/politics/proposed-law-would-end-adult-wards-of-court-1.2243417.

[2] Interview held December 2017.

[3] 'Dublin solicitor appointed inaugural director of the Decision Support Service,' *Irish Legal News*, 4 October 2017, http://www.irishlegal.com/8798/dublin-solicitor-appointed-inaugural-director-of-the-decision-support-service/#.

3C. Improve Access to Justice: Oversight of Legal Practitioners

Commitment Text:

<u>Create more open and transparent oversight of legal practitioners by:</u>

- Establishing a new independent regime to regulate solicitors and barristers. This will end reliance on self-regulation by the legal professional bodies and will open up governance and reporting mechanisms to public and parliamentary scrutiny.

- Introducing an independent complaints system to deal with professional misconduct by legal practitioners.

- Making the way legal costs are charged more open and transparent through the introduction of new rules for solicitors and barristers. This will require legal practitioners to inform their clients in much greater detail how their legal costs are calculated.

Responsible institution: Department of Justice and Equality

Supporting institutions: Department of Health, Decision Support Service

Start date: January 2017

End date: June 2018

Editorial Note: For the remainder of the commitment text, please see Commitment 3A.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3C. Overall			✔				✔				✔		No		✔		
3.C1 (and C3) Regime to Regulate Solicitors and Makes Costs Transparent			✔				✔				✔		No		✔		
3.C2. Complaints System for misconduct			✔				✔				✔		No		✔		

Context and Objectives

In Ireland, there is currently no independent regulation of the legal profession. Complaints against lawyers can only be made through the Law Society of Ireland,

which is ‘the educational, representative and regulatory body of the solicitors' profession in Ireland.’[1] This means that the Law Society acts as a self-regulating body and effectively decides on how to deal with ‘one of their own’ when a complaint against lawyers is made. Moreover, there lacks independent regulation of the costs that legal professionals charge clients. Self-regulation amongst legal professionals runs the risk that these professionals turn a blind eye to their colleagues’ breaches of policy.[2] The move to end self-regulation of the legal profession has been a result of increasing lack of confidence of the public in this system[3] and a goal of the Law Reform Commission, an independent body whose purpose is to ‘keep the law under independent, objective and expert review, to make recommendations for law reform and to make current law accessible for all.’[4] These milestones seek to establish an independent regulation of solicitors and barristers, open up a complaints system to deal with professional misconduct, and increase the transparency of costs. Specifically, they aim to:

3.C1: Establish a new independent regime to regulate solicitors and barristers and make the way legal costs are charged more open and transparent through the introduction of new rules for solicitors and barristers (originally C1 and C3 in the action plan).

3.C2: Introduce an independent complaints system to deal with professional misconduct by legal practitioners (originally C2 in action plan).

Given that the milestones seek to create independent regulation of the legal profession and create a complaints mechanism to report misconduct almost legal professionals, it is relevant to the OGP value of public accountability. The milestone’s goals are to change the status quo of self-regulation to create an independent statutory regulator for all legal practitioners, create more open oversight of the profession, and effectively more knowledge to clients who will be informed in more detail on how their legal costs are calculated. However, because it does not provide greater detail for the composition of the new regulatory regime, the specificity is marked as medium. If fully impended, these milestones would provide greater public oversight of the legal profession via independent regulation of solicitors and barristers, a complaints system for reporting misconduct, and greater transparency of legal cost calculations. However, it is unclear how the public scrutiny of the independent regulation regime will influence the conduct of solicitors and barristers in practice. It is also unclear what mechanism will be put in place to ensure that costs charged are more open and transparent. Therefore, the potential impact of the milestones is moderate.

Completion

With regard to 3.C1, the passage of the Legal Services Regulation Act in late 2015 effectively set the stage for the development of the new independent statutory regulator for the legal profession, referred to as the Legal Services Regulatory Authority (LSRA).[5] According to the government’s progress report, the LSRA was established on 1 October 2016. Parliamentary debates verify that, by December 2016, the government earmarked EUR 1 million towards the LSRA and that it met several times during the first year of the action plan and started a search for a full-time chief executive.[6] The government also reports, in assessment of this commitment, that cost transparency obligations for legal practitioners has been set out in Chapter 3 of Part 10 of the Legal Services Regulation Act of 2015. Interviewed officials told the IRM researcher’s team that, while the roadmap and timelines of the phased roll-out have not been published yet, they have been created and are

expected to take place in the second year of the action plan.[7] Until the LSRA is fully operational, the rules for charging clients cannot be fully put into motion.

Regarding 3C.2, The Legal Services Regulation Act of 2015 creates 'a new single Disciplinary Tribunal for solicitors and barristers' by way of Part 6 of the Act.[8] The government reports in its assessment, however, that 'next steps' for the second year of the action plan include 'putting the crucial staffing and information-communications technology (ICT) capacities in place with the new Legal Practitioners Disciplinary Tribunal' and the implementation of the 6 of the Act. Given that the roadmap (referred to in 3.C1 above) is still being developed, the implementation of this is limited but on schedule by the end date is June 2018.

Although stakeholders have not been directly involved in the implementation of the policy in the first year of the action plan, Director of Regulation of the Law Society of Ireland John Elliot has expressed the organisation's positive views on Part 6 of the 2015 Act, stating that 'the new complaints and disciplinary system should be of interest to all solicitors.'[9]

Next Steps

If full implementation of 3C does not take place during the current action plan cycle, it should be included in the next action plan.

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[1] See: https://www.lawsociety.ie/.
[2] For a theoretical discussion of the differences between self-regulation and mandatory regulation by way of law in which an independent bodies have oversight power, see: Chari, Hogan, Murphy, 2010. Regulating Lobbying A Global Comparison: Manchester University Press, Chapter 1.
[3] See for example, 'Should self-regulation for solicitors be scrapped?', *The Irish Times*, 12 November 2007, https://www.irishtimes.com/opinion/should-self-regulation-for-solicitors-be-scrapped-1.981361.
[4] On the LRC, see; http://www.lawreform.ie/.
[5] Department of Justice and Equality, 'Minister Fitzgerald welcomes the completion of passage of the Legal Services Regulation Bill,' 15 December 2015, http://www.justice.ie/en/JELR/Pages/PR15000646.
[6] Response by Charles Flanagan (Minister for Justice & Equality) to a Parliamentary Question from Deputy Jim O'Callaghan, *Parliamentary Question - on status of implementation of Legal Services Regulatory Authority:* http://justice.ie/en/JELR/Pages/PQ-19-10-2017-8.
[7] Interviewees from the Department of Justice and Equality, December 2017
[8] *Minister Fitzgerald welcomes the completion of passage of the Legal Services Regulation Bill,* http://www.justice.ie/en/JELR/Pages/PR15000646.
[9] Lorcan Roche, 'Legal Guardian,' *Law Society Gazette*, April 2016, https://www.lawsociety.ie/globalassets/documents/gazette/gazette-2016/april-16-gazette.pdf.

4A. Enhance Citizen Engagement in Policy Making: General

Commitment Text:

Objective: *To build capacity and help to create a culture of openness and responsiveness to the citizen in policy making across the public sector.*

Status quo: *Ireland's first Open Government Partnership National Action Plan, 2014-2016, acknowledged that citizen participation requires accessible and timely information about policy and service development proposals, clear ways to engage with policy makers, and a culture of openness on the part of the public service. Updated guidance on consulting the public was prepared under the National Action Plan. In addition, one of the aims of the Civil Service Renewal Plan is to 'promote a culture of innovation and openness by involving greater external participation and consultation in policy development'. A series of Open Policy Debates has been established for a range of policy areas. It promotes regular open discussion, early on in the policy development process. It allows a wide range of academics and practitioners to hear informed, expert, opposing and challenging views.*

Many helpful suggestions were made in the submissions received as part of the process to draft this Action Plan. The milestones set out below to fulfil this commitment aim to address the shortcomings identified in those submissions and advance the ideas for improvements.

Ambition: *To promote meaningful citizen engagement in policy making and in turn to increase the legitimacy of decision-making, improve the public's knowledge and awareness of complex policy challenges, help decision-makers to make better decisions, and lead to better policies and improvements in the quality of service provision.*

Milestones:

4.A1. Create a Consultation Portal. This will act as a central repository for public consultations. It will make consultations easier to engage with and promote best practice in how they are run. It will contribute to the evaluation and monitoring of citizen engagement efforts.

4.A2. The Civil Service Learning and Development Project Team will ensure that an awareness of best practice in external engagement and consultation is embedded in relevant training modules of the new curriculum, including Policy Making, Communications, Change Management and Project Management.

4.A3. Create a practitioners network to support citizen engagement. This will be used to gather and share best practice and innovations in citizen engagement, including the provision of accessible information on key policy issues and 'legislative footprints' on current legislative initiatives.

Responsible institution: Department of Public Expenditure and Reform

Supporting institution: Department of Children and Youth Affairs (DCYA)

Start date: January 2017

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4A. Overall			✔		✔	✔					✔		No		✔		
4.A1 Create a consultation portal			✔			✔					✔		Yes		✔		
4.A2 Provide training modules for civil servants			✔			✔					✔		Yes		✔		
4.A3 Create practitioner network for participation			✔		✔	✔					✔		No	✔			

Context and Objectives

One key problem in democratic societies is the lack of citizen input into the policy making process, resulting in several authors seeking to better understand how to increase citizen participation in decision making.[1] In the case of Ireland, there was a general public disconnect during the opaque policy-making process that led to the financial and economic crisis, with more calls to increase participation, as seen in its first action plan (Action 2.2 and 2.3).[2] Building on previous commitments in the first action plan, the main objective of this commitment is to develop means to enhance citizen's engagement through 1) the creation of a Consultation Portal to act as a repository for public consultations, 2) providing training modules for civil servants through the Civil Service Learning and Development Project Team, tasked to ensure best practice when engaging with publics, and 3) creating practitioner networks to support citizen engagement to gather and share best practice and innovations in engagement, including 'legislative footprints' on current legislative initiatives.

As the commitment seeks to better facilitate consultation with citizens, it is relevant to the OGP value of civic participation. Further, because 4.A3 calls for providing accessible information on 'legislative footprints,' thus making it is relevant to 'access to information.' While the milestones include verifiable activities, such as the creation of the Consultation Portal, their measurability require a degree of interpretation. For example, it is unclear how the Civil Service Learning and Development Project Team will ensure the embedding of 'best practices' of external engagement and consultation into relevant training modules of the new curriculum. Therefore, the specificity is marked as medium. If fully implemented, the commitment could improve the ability of citizens to engage in consultations and educate public officials on how to reach out to citizens in consultation processes. The potential is moderate, and not transformative, because it is unclear from the commitment the extent to which engagement processes will actually be taken into consideration when the details of the policy are then formulated in a bill eventually tabled by the cabinet. In other

words, it is not clear how opinion collected through consultation will actually influence bills or policy.

Completion

Overall, the completion level is limited and some of the milestones (4.A1and 4.A2) are on schedule, while 4.A3 is behind schedule. The government states in its progress report on the commitment that the Consultation Portal (Milestone 4.A1) has been developed, with data on consultations in various departments inputted, and it will be launched at the end of Q4 2017. The government also states that it established a framework to provide training for the Civil Service (Milestone 4.A2) in Q2 2017, as also verified by desk research, with guidelines to be embedded into training on Project Management, Communications, Change Management, and Policy Formation during the second year of the action plan.[3] Milestone 4.A3, however, has yet to be started and is therefore behind schedule.

A civil society leader who contributed to developing this commitment during the development of the action plan expressed concern that s/he has not been involved in the implementation of the policy in the first year and was, in fact, surprised to hear that the Consultation Portal had actually been developed.[4] Social Justice Ireland, while welcoming the portal, highlighted that its relevance to those without access to computers is limited and that the state should not forget about the importance of more traditional, deliberative reflection, using this also as a basis to shape policy.[5]

Next Steps

If fully implemented, the IRM researcher recommends that this commitment should not be carried forward into the next action plan. However, given that the Consultation Portal can serve a means to engage citizen participation in politics, a modified commitment may be developed which will constructively see how the Portal can be used when the details of public policy are formulated.

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[1] For example, see RA Irvin and J Stansbury, 'Citizen participation in decision making: Is it worth the effort?', *Public Administration Review*, Volume 64.1, February 2004, 55–65.

[2] See, for example, Chari and Bernhagen, R. Chari and P. Bernhagen. 2011. 'Financial and Economic Crisis: Explaining the Sunset over the Celtic Tiger,' *Irish Political Studies*, Vol. 26/4, December, 473-488.

[3] Other evidence to verify the progress on this milestone based on desk research include: 19 December 2016: launch of the Project Managers' Network and the Project Management Handbook for the Irish Civil Service, here: http://www.projectmanagement.ie/userfiles/Project_Management_Handbook_for_the_Civil_Service.pdf. See more information on the Institute Project Management Ireland website here: http://www.projectmanagement.ie/blog/international-recognition-for-project-management-in-public-sector, and the publication in June 2017 by the Civil Service Management Board of the Third Progress Report of the Civil Service Renewal Plan. On this, see: action 9 ('Establish a new shared model for delivering Learning and Development'), action 10 ('Introduce Talent Management Programmes'), action 11 ('Strengthen the performance management process') and action 17 ('Improve project management capacity').

[4] Interview held October 2017.

[5] See the submission on the topic issued by Social Justice Ireland on the consultation portal for OGP Ireland in July 2017, here: https://consult.ogpireland.ie/en/user/login?destination=node/260.

4B. Enhance Citizen Engagement in Policy Making: Youth

Commitment Text:

The Department of Children and Youth Affairs will establish a Children and Young People's Participation Hub, as a national centre for excellence on the participation of children and young people. The Hub will support Government departments and other organisations by providing training, developing good practice toolkits and supporting organisations to effectively involve children and young people in decision-making, including young children and those who are seldom heard.

Milestone:

4B. Establish a participation hub for children and youth

Responsible institution: Department of Public Expenditure and Reform

Supporting institution: Department of Children and Youth Affairs (DCYA)

Start date: January 2017

End date: June 2018

Editorial Note: For the remainder of the commitment text, see Commitment 4A.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4B. Overall			✔			✔					✔		Yes			✔	

Context and Objectives

Whereas the previous milestones (4A) were targeted at increasing citizen engagement in general, this milestone seeks to increase participation of youth and children in decision-making processes specifically. Young people's views are not always taken into consideration when policies are made, even though such policies will often have an impact on younger citizens' lives for a longer period of time compared to the rest of the electorate. To accomplish this objective, this milestone calls for the establishment of a Children and Young People's Participation Hub. The creation of this Hub is based on an initiative started in 2015 that stems from Action 2.5.1 from the first action plan[1] and it is expected to serve as a national centre for excellence on the participation of children and young people, support government departments by providing training, and develop good practice toolkits to involve youth in decision making.

The goal of improving young people's access to participation in decision-making processes is relevant to the OGP value of civic participation. The milestone has a clear objective of creating a hub of excellence, but it is unclear if youths themselves

will have a say on what constitutes 'best practise' to involve youth in decision making and, if so, what exactly will be taken into consideration. Therefore, the specificity is medium. If fully implemented, the Hub help could increase the participation of youth, but it is not fully clear how the training that is provided will either (a) really educate youth beyond the status quo, and (b) how this training to youth will then be translated into meaningful participation in the policy making process. Therefore, the potential impact is moderate.

Completion

The level of completion of this commitment is substantial and on schedule. The government outlines in its progress report on the commitment that key achievements have included commissioning further education and continuing professional development programmes in Ireland, and developing a training programme to seek the views of children and young people.[2] The Hub also has a dedicated webpage[3] which was substantially improved during the first year of the action plan by housing an online children's participation database of publications on the theory and practise of young people's participation in decision making. Remaining next steps—according to the government's progress report—include developing a three-year work plan for the Hub and further developing a training plan and training materials. A civil society leader interviewed for this study was unaware of the levels of completion for this milestone, primarily because the outreach with stakeholders in this area has not been robust.[4]

Next Steps

The development of the Hub has been an ongoing project since 2015 and the completion of the Hub is expected to take place over the second year of the action plan. Moving forward, it might be useful to determine how youth participation can actually influence the formation of public policy. In this regard, the IRM researcher recommends to:

- Consider one or two policy proposals that are of salience to children and young people on which the government is presently preparing a bill (or on which a bill is being passed in parliament).
- Garner the views of youth, using the Hub as a first point of collection of evidence of different policy position, and
- Have a representative sample of youth sharing said positions appear before the Joint Parliamentary Committee on Education and Skills to give evidence.[5]

A recent example of a policy presently being examined by the Committee is on the future funding on higher education,[6] but there may be others to be developed in the next two years that the government may consider as well.

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[1] For more information on this, see Minister Reilly's press release, available at: https://www.dcya.gov.ie/viewdoc.asp?Docid=3471.

[2] Also, on 24 January 2017: a three-year contract to provide children and young people's participation support services to the Department of Children and Youth Affairs is announced. See this news on the Children's Research Network website.

[3] 'Children and Young People's Participation Hub,' Department of Children and Youth Affairs, n.d., https://www.dcya.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FPlayandRec%2F20170124ChildrenAndYoungPeoplePa rticipationHubMainPage.htm.

[4] Interview held October 2017.

[5] 'Joint Committee on Education and Skills,' Houses of the Oireachtas, n.d., http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/es/.

[6] 'Education Committee continue their examination of the future funding of higher education in Ireland,' Houses of the Oireachtas, 6 April 2017, http://www.oireachtas.ie/parliament/mediazone/pressreleases/2017/name-41588-en.html.

5. Enhance Customer Engagement

Commitment Text:

Objective: *Build on long-standing efforts to provide quality public services, focusing on actions that build capacity and help to create a culture of openness and responsiveness to the customer.*

Milestones:

5.1. Enhance reporting on progress made in meeting standards and commitments in Customer Charters and provide reports in open data formats. We will similarly report on efforts to:

- *Promote the use of plain language*
- *Promote universal design*
- *Address Digital Exclusion*
- *Comply with the Public Sector Duty under Section 42 of the Irish Human Rights and Equality Commission Act 2014*

5.2. Design and introduce structured reporting on responses to any issues identified in surveys of Civil Service customers and provide reports in open data formats.

5.3. Encourage public bodies to engage with their customers in the development, delivery, and review of services.

5.4. Provide training in Customer Service and Communication Skills to improve the quality and consistency of customer engagement across the Civil Service

Responsible institutions: Department of Public Expenditure and Reform; Department of Justice and Equality; Irish Human Rights and Equality Commission; Centre for Excellence in Universal Design; Office of the Government Chief Information Officer (OGCIO).

Supporting institutions: All government departments and public bodies

Start date: January 2017

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full commitment text, visit: https://www.opengovpartnership.org/sites/default/files/Ireland_NAP_2016-2018.pdf.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete

5. Overall			✔		✔					✔			Yes			✔	
5.1. Reporting on progress in meeting standards and commitments in Customer Charters			✔		✔					✔			Yes			✔	
5.2. Reporting on responses to issues identified in surveys of Civil Service customers			✔		✔					✔			Yes			✔	
5.3. Public bodies engagement with customers		✔			Unclear					✔			Yes		✔		
5.4. Training in Customer Service and Communicati on Skills			✔		Unclear					✔			Yes		✔		

Context and Objectives

This commitment seeks to create a culture of openness and responsiveness to customer engagement with the state. To do this, the commitment calls for 1) enhanced reporting on progress made in meeting standards related to the Customer Charters, 2) reporting on responses identified in surveys of civil service customers and providing reports in open data formats, 3) encouraging public bodies to engage with their customers in the development, delivery, and review of services, and 4) training in customer service and communication skills across the civil service to improve the quality and consistency of customer engagement. The term 'Customer Charter' refers to a statement by each government department or public body describing 'the level and quality of customer service a customer can expect from a Government Department of Office.'[1]

Citizen engagement and satisfaction with the civil service is significant because the more information that citizens have on the state, the more satisfaction they will have with the service. Milestones 5.1 and 5.2 are relevant to the OGP value of access to information because they will provide reports on meeting standards and commitments in Customer Charters and issued identified surveys in open data formats. The milestones contain objectives that are verifiable, but require some interpretation. For example, the term 'progress made' in Milestone 5.1 is not clear, the type of 'open data formats' mentioned in Milestone 5.2 are not specified, the type of engagement between public bodies and customers in Milestone 5.3 lacks clear definition, and the nature of training provided in Milestone 5.4 is not clear. Therefore, the overall specificity is marked as medium. If fully implemented, the milestones of this commitment could help to ensure the design and delivery of public services with different customer needs. However, it is hard to see how these milestones which

seek to enhance engagement will translate into creating a culture of openness, responsiveness, and participation in public service delivery. If the commitment included a mechanism by which the public could continuously monitor and express dissatisfaction with the delivery of customer services, apart from the reporting of survey results, the potential impact might have been greater.

Completion

There has been substantial progress on implementing milestones 5.1 and 5.2, with relatively limited results for milestones 5.3 and 54. All four are on schedule. These observations are based on evidence raised in the progress report on the commitment as well as desk research.

On Milestone 5.1, Paschal Donohoe launched the *Customer Communications Toolkit for Public Service*.[2] This toolkit contained advice on plain writing style principles and the design of forms and documents, with the intent to teach public servants how to communicate clearly to the public. This complements the Reform and Delivery Office's training sessions on plain language, which they had organised during the first year of the action plan. The training sessions were organised by the National Adult Literary Agency (NALA), an Irish charity with a strong international reputation, from both advising the Organisation for Economic Cooperation and Development (OECD) and forming a key part of Plain Language Association International.[3] In interviews with the IRM researcher's team, NALA confirmed its strong relationship with DPER regarding the implementation of this milestone, stating that its training helped focus DPER's perception on its style guide for plain language usage.

With regard to Milestone 5.2, a survey of Business Customers of the Civil Service was published in January 2017, based on a sample of over 500 businesses countrywide that were phoned in 2016, and reported in open data format.[4] Some highlights include that 97 percent of businesses had contacted the civil service in 2016 and 82 percent were satisfied with the service they received. As a follow-up to a previous survey on general customer satisfaction with the public service that was published in 2015, the results for the general public survey on the civil service were published in April 2017, with over 2000 respondents.[5] Considering the two findings above for business customers, 40 percent of the general public had contact with the civil service, and an overall satisfaction rate with the service of 83 percent.

On Milestone 5.3, the government states that there is a relevant action in the draft 'Our Public Service 2020,' but publication will not take place until the second year of the action plan (i.e. Q4, 2017).

On Milestone 5.4, training programs have been designed, with the view to continue providing trainings into the second year of the action plan cycle. According to the government progress report, there are six new training sessions aimed at increasing the skill sets of civil servants in a customer service environment, which will improve the quality of customer engagement.

Next Steps

If the milestones are not implemented, the IRM researcher recommends incorporating them into the next plan. NALA recommends that a future commitment could develop legislation on plain writing, similar to the Plain Writing Act in the United States.[6] Having a codified law would solidify commitments by the state to use plain language not only in engaging with customers, but also drafting bills (and ultimately legislation), allowing the public to more fully engage with the legislative process.

[1] Quote taken from DPER, Review *of Customer Charters and Customer Service Action Plans in the Civil Service*, October 2014, p. 2. Main features of each Charter are that they:

- Are accessible to all customers via the web and offices, outlining commitments given to customers that use the service can expect with regard to, for example, telephone enquiries, written correspondence, and visits to offices;
- Be up to date and outline how to improve services by way of a 'Customer Action Plan';
- Include details of complaint procedures if a customer is unhappy with a service or not satisfied about a decision that is made (highlighting how Action 2.71 and 2.7.2 are related); and,
- As part of the Charter process, all Departments should consult with customers to evaluate progress made on customer service issues. See: DPER, *Review of Customer Charters and Customer Service Action Plans in the Civil Service*, October 2014, pgs. 14-5.

[2] Department of Public Expenditure and Reform, *Universal Design Toolkit for Customer Engagement in the Public Sector*, 2017, http://www.per.gov.ie/en/customer-communications-toolkit/.
[3] On these points see: http://www.simplyput.ie/news-and-events/nala-to-speak-about-plain-language-at-the-oecd-in-paris/ and http://plainlanguagenetwork.org/.
[4] See: http://www.per.gov.ie/en/civil-service-business-customer-survey-2016/.
[5] See: http://www.per.gov.ie/en/civil-service-general-public-customers/.
[6] See: https://www.plainlanguage.gov/ On the importance of the use of plain language, see J Kimble, *Writing for Dollars, Writing to Please: The Case for Plain Language in Business, Government, and Law* (Carolina Academic Press, 2014).

6. Improve Access to Government Services Through Technology

Commitment Text:

Objective: *To improve services to our citizens through enhanced use of technology.*

Status quo: *The global technological shift has increased both the demand and expectation for Governments to make it simpler for citizens to use services through technology and digital platforms. Citizens expect their Government to harness technology and to build solutions that are shared across the public service. There is an increasing demand for reduced duplication of effort to make the citizen's transactions with the State easier, more flexible, and less time consuming.*

Ambition: *The Government will champion the role of new technology and drive innovation by making it easier for citizens to engage with the State. This ambition will include meeting citizens' demands for digital services by introducing readily accessible, intuitive, and secure applications. These solutions will increase service speed, effectiveness, and will create better value for money in the provision of public services.*

The Government will meet this ambition by eliminating duplication of engagement through a single customer view using a 'tell us once' principle; by replacing multiple Government issued cards with one safe and secure smart Public Services Card, making the citizen's engagement with the State quicker and more seamless. The Government's ICT strategy will provide enhanced outcomes for customers by using a secure Government Network, sharing commonly needed applications across the public service and by implementing a Government Cloud to safely store and maintain data and applications.

The State recognises that not all citizens will have the capacity to access digital or web-based solutions and will cater for this too.

Milestones:

6.1. The Office of the Government Chief Information Officer will continue to work with the Department of Social Protection to increase the uptake of MyGovID and the Public Services Card, including its use by Government agencies, and to develop the SAFE authentication model. This will also enable Citizens to access Government services online with confidence.

6.2. Create a Government service gateway or portal. The gateway would initially be a means of directing the service user, especially where they are new users of Government services, to the services they require. The portal would then be used to present new or less well known information or services and be the means for single sign-on/authentication and verification/update of general information (e.g. simple address information), using the "tell us once" principle.

Responsible institutions: Department of Public Expenditure and Reform, Department of Social Protection

Supporting institution(s): N/A

Start date: January 2017

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Overall			✔		✔			✔		✔			Yes		✔		
6.1. Increase Uptake of MyGovID and the Public Services Card, and develop the Standard Authenticatio n Framework Environment			✔		Unclear						✔		Yes			✔	
6.2. Develop Government's Digital Services Gateway			✔		✔			✔		✔			Yes		✔		

Context and Objectives

This commitment aims to increase the uptake of the Public Services Card (PSC). The PSC was created in 2012[1] to replace other government-issued cards such as the free travel pass and social services card. Ireland's first action plan included a commitment to improve the PSC, resulting in the creation of an online self-scheduling service to help customers book their own appointments to get the card. This commitment expands on the previous action plan by seeking to extend the use of the PSC even further amongst the population and by using the PSC as a foundation for citizens to use MyGovID, the portal for accessing government services online, such as social welfare payments and Revenue service.[2] By so doing, this commitment also aims to reduce the amount of times users need to give their personal information on government portals/websites. The commitment also calls for the creation of a new 'Digital Services gateway' to direct new users to services they require, and eventually serve as a single sign-on/authentication and verification of general information.

Milestone 6.1 on the MyGovID does not directly pertain to any OGP values because it plans to increase the uptake of the MyGovID and the Public Services Card without consulting users or improving access to information through their use. Milestone 6.2 calls for the new gateway to present 'new or less well known information or services' to the public, and is thus relevant to access to information and technology and innovation. Milestone 6.1 includes actions that are verifiable such as developing the

Standard Authentication Framework Environment (SAFE) authentication model, but does not fully define how exactly it will increase the use of PSC and MyGovID amongst government agencies. Milestone 6.2 presents a reasonably specific roadmap for developing the new gateway portal, but the 'new information and services' that will be made available on the portal remain unclear. Therefore, the overall specificity for the commitment is marked as medium. If fully implemented, the commitment's milestones could allow users of the PSC, MyGovID, and the new gateway to more easily and efficiently authenticate their identity. However, there is no means to guarantee that services received will improve. For example, one may be able to apply for social welfare payments more efficiently with the PSC and MyGovID, but there is no guarantee that the state will process payments more quickly or efficiently. It is also unclear how the information presented on the MyGovID will differ from the information that will be on the new government service portal for Milestone 6.2. Therefore, the overall potential impact is marked as minor.

Completion

There has been substantial progress on Milestone 6.1 and limited progress of Milestone 6.2 during the first year of the action plan. Both are on schedule.

The IRM researcher 'tested' the system by applying for an individual PSC, and spoke with the government official with whom an appointment was made to get the PSC. Making an appointment to get the card and receiving the card (which took approximately two weeks after the appointment) were both fairly efficient processes, and the social welfare office staff (in Dublin city centre) was helpful in explaining what the card was, emphasising how the SAFE authentication model allowed residents of Ireland with the card to access government services in a secure environment. Explanation was also given why the PSC is different from other national ID cards found in other EU states. The PSC now has close to 3 million users, and there are a wide range of services found on the website of MyGovID.[3] For Milestone 6.2, the government developed its Digital Services Gateway as indicated in the government's progress report. Its overall progress remains limited, however, because the Gateway was not fully launched in the first year of the plan, although it is expected to take place in the second year.

While it was reported in the press that the state launched a €200,000 PSC promotional campaign,[4] in October 2017 the Data Protection Commissioner opened a formal investigation into whether the PSC actually complies fully with the law.[5] In the context of the 'biometric data processing and governance and data issues' that are associated with the actions, the main concern of the Commissioner was that 'large-scale government projects without a specific legislative underpinning posed challenges in terms of the transparency to the public and the uses to which their personal data was now being applied.'[6] Some citizens expressed concerns over whether the PSC could be used as a national identity card, something which many Irish are against, even though many EU member states have such cards. Government leaders at the highest level have sought to dispel this misperception, clearly stating that the PSC is not a national identity card and dismissing concerns that there are potentially negative implications for privacy and data protection.[7]

Early Results

It is hard to state if there is evidence of changes in government practice per se, but there are indications of increased uptake in the number of PSC users. As reported in the End of Term IRM report for the 2014–16 action plan, around 2 million cards had been issued by June 2016. The *Irish Times* reported that the number by the end of 2017 was 2.8 million.[8] This represents an increase of around 40 percent between the two reporting periods.

Next Steps

Both milestones will likely be implemented by the end of the action plan period, and will not need to be taken forward. However, the IRM researcher recommends the government further address concerns over the potential misuse of personal data. The IRM researcher also recommends that the government provide greater clarity for how the new gateway will add value to citizens.

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[1] On this, please see: 'What is the Public Services Card?', *TheJournal.ie*, 9 May 2012, http://www.thejournal.ie/what-is-the-public-services-card-443305-May2012/.
[2] Available at: https://www.mygovid.ie/.
[3] On the PSC, please see: http://www.welfare.ie/en/Pages/Public-Services-Card_holder.aspx and on the services available on MyGovID, please see: https://www.mygovid.ie/availableServices/AvailableServices.
[4] Elaine Edwards, 'Government plans €200,000 public services card campaign', *Irish Times,* 22 October 2017, https://www.irishtimes.com/news/ireland/irish-news/government-plans-200-000-public-services-card-campaign-1.3265101.
[5] Elaine Edwards, 'Data watchdog to open investigation into public services card,' *Irish Times,* 20 October 2017, https://www.irishtimes.com/news/ireland/irish-news/data-watchdog-to-open-investigation-into-public-services-card-1.3263567.
[6] Taken from: https://www.dataprotection.ie/docs/EN/30-08-2017-Data-Protection-Commisisoners-Statement-on-the-Public-Services-Card/m/1651.htm.
[7] For opposing views on this see: (a) 'anti-card' view found at https://www.irishtimes.com/business/technology/state-must-justify-introduction-of-public-services-card-1.3211434 and (b) state defense, or 'pro-card' view https://www.rte.ie/news/ireland/2017/0831/901203-public-services-card/. A relatively balanced article on the issue can be found on: https://www.thesun.ie/news/1462486/what-is-the-new-public-services-card-what-do-we-need-it-for-and-how-do-we-get-it/.
[8] Most recent data is based figures reported by Edwards*, 'Data watchdog to open investigation into public services card.'*

7. Participatory Budgeting

Commitment Text:

Objective: *Undertake a feasibility study on possible means of enabling further citizen engagement in local authority budgetary processes.*

Status quo: *The budgetary process established under the Local Government Reform Act 2014, will be considered in the context of a further programme of local government reform and development to be undertaken pursuant to the Programme for a Partnership Government for the purpose of a report for Government and the Oireachtas by mid-2017 on potential measures to boost local government leadership and accountability, and to ensure that local government funding, structures and responsibilities strengthen local democracy. Having regard to these active considerations it is considered that the opportunity for the timely commencement of this action and the means by which further citizen engagement might be enhanced will be informed by this process.*

Ambition: *The results of the feasibility study will inform and guide the next steps on how further citizen engagement in local authority budgetary processes can be facilitated.*

Milestone:

7.1. Association of Irish Local Government (AILG) & County and City Managers' Association to undertake feasibility study, in consultation with key stakeholders, on enabling further citizen engagement in local authority budgetary processes.

Responsible institution: Department of Housing, Planning, Community and Local Government

Supporting institutions: National PPN Advisory Group, Local Authorities, The Association of Irish Local Government (AILG) and the County and City Managers' Association

Start date: January 2017

End date: December 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. Overall		✔				✔				✔			No	✔			

Context and Objectives

While Ireland is a unitary state where the Treasury is based at the central level of government, public funds spent at the local level are important because they 'fund

essential local services such as, public parks; libraries; open spaces and leisure amenities; planning and development; fire and emergency services; maintenance and cleaning of streets and street lighting.'[1] The Local Government Reform Act of 2014 provided for a major restructuring of the institutional structures of local government.[2] Extending this reform, this commitment aims to bring citizens into the local authority budgetary processes by performing a feasibility study with stakeholders to examine how to enable further engagement by citizens in the budgetary process.

The feasibility study envisaged in this commitment would involve consultations with stakeholders, thus making the commitment relevant to the OGP value of civic participation. The specificity of the commitment is low; it has a clear objective to perform a feasibility study, but it does not fully outline how stakeholders will be consulted and what type and volume of evidence will be deemed sufficient to make any firm conclusions. While participatory budgeting is an important component for civic participation, a feasibility study for participatory budgeting will not, in itself, lead to greater participation. Therefore, the potential impact is marked as minor.

Completion

Implementation of this commitment has not started and is behind schedule. The government has indicated this lack of implementation in its progress report on the commitment, although it also stated that draft terms of reference have been prepared in the following broad thematic areas: understanding participatory budgeting; understanding the local authority budget process; and feasibility of participatory budgeting in an Irish local government context. Social Justice Ireland expressed concern that little progress has been made on this commitment, calling for it to be implemented as soon as possible.[3] Given that the action plan has an end date of December 2017 to complete the feasibility study, the commitment is clearly behind schedule. Nor is the nature of consultations with key stakeholders fully clear from the government report—a key indicator given the wording of the milestone.

Next Steps

This commitment was carried forward from Ireland's first action but has yet to begin. However, there is evidence of public interest in the concept of participatory budgeting, as seen in a recent open discussion in October 2017 by the Social Democrats, which examined how participatory budgeting could work.[4] The IRM researcher recommends that if the feasibility study is not completed, the study should be carried forward into the next plan. If it is expected to be completed by the end of second year, then a modified commitment to advance legislation to guarantee citizen participation in the budgetary process is recommended for the next action plan.

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[1] See the Department of Housing, Planning and Local Government, Local Government Finance here: http://www.housing.gov.ie/local-government/administration/finance/local-government-finance.
[2] For full details, see: http://www.irishstatutebook.ie/eli/2014/si/215/made/en/pdf.
[3] See: https://consult.ogpireland.ie/ga/submission/CVQ-258/observation/participatory-budgeting-must-be-expedited-promote-real-public.
[4] See: https://www.eventbrite.ie/e/democratising-dublin-tickets-39036738937#.

8. Improve Transparency of Government Service Providers

Commitment Text:

Objective: *To increase the release of data, preferably machine readable data, on organisations delivering services on the Government's behalf. This will include audited financial data, compliance data and on-going performance delivery data.*

Milestones

8.1. Undertake a strategic assessment of contracting data infrastructure and contracting transparency compliance practices to identify changes required to:

- *deliver data to the Open Contracting Partnership's Open Contracting Data Standard Intermediate level, and*
- *be able to deliver on the requirements of a standard transparency clause in all large service contracts if such a clause were to be implemented*

8.2. Assess the impact of transparency clauses in other jurisdictions, and consult with public bodies and industry representatives on the introduction of a standard transparency clause in order to inform a final decision on implementation of a standard transparency clause in service contracts.

8.3. Undertake a strategic assessment of grant funding data infrastructure and grant funding compliance practices to identify changes required to:

- *deliver data equivalent to the Open Contracting Partnership's Open Contracting Data Standard Basic level*
- *be able to deliver on the requirements of a standard transparency clause in all major grant agreements*

8.4. Consult with public bodies and grant funded bodies on the introduction of a model transparency clause in order to inform a final decision on implementation of a standard transparency clause in grant agreements.

Responsible institution: Department of Public Expenditure and Reform

Supporting institutions: Department of Health, Department of Education, Department of Defence, Local Government sector. All government departments that, directly or indirectly, grant fund organisations to deliver services on their behalf.

Start date: January 2017

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full commitment text, visit: https://www.opengovpartnership.org/sites/default/files/Ireland_NAP_2016-2018.pdf.

Commitment Overview	Specificity	OGP Value Relevance	Potential Impact	On Time?	Completion

	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Overall				✔	✔					✔			No	✔			
8.1. Strategic assessment of contracting data infrastructure				✔	✔					✔			No		✔		
8.2. Assess impact of transparency in other jurisdictions and consult on standard transparency clause		✔			✔					✔			No		✔		
8.3. Strategic assessment of grant funding data infrastructure				✔	✔					✔			No	✔			
8.4. Standard transparency clause in grant agreements		✔			✔					✔			No	✔			

Context and Objectives

The government of Ireland allocates billions of euros in grants every year to various nongovernmental organisations to deliver services to the Irish state.[1] This commitment seeks to increase transparency to all large service contracts and grant agreements by way of releasing data regarding public funds received by organisations delivering services. This in turn will afford citizens with better knowledge of who is attaining grants and contracts from the state for the delivery of certain services. More specifically, the commitment calls for:

Milestone 8.1: Undertaking a strategic assessment of contracting data infrastructure and contracting transparency compliance practices.

Milestone 8.2: Assessing the impact of transparency clauses in other jurisdictions, in consultation with public bodies and industry representatives on the introduction of a standard transparency clause,

Milestone 8.3: Undertaking a strategic assessment of grant funding data infrastructure and grant funding compliance practices,

Milestone 8.4: Consulting with public bodies and grant funded bodies on the introduction of a model transparency clause.

Given that the goal is to increase information available on government contracts and grants, effectively holding the state accountable for the funds they have earmarked for these ends, the commitment is relevant to the OGP value of access to information, which will promote transparency in the carrying out of government functions. The milestones include activities that are reasonably verifiable, such as the strategic assessments for milestones 8.1 and 8.3 which call for the delivery of contracting and grant funding data to the Open Contracting Partnership's Open Contracting Data Standard Basic level. Therefore, the overall specificity is coded as high. However, the consultations 'industry leaders' in Milestone 8.2 and with 'grant funded bodies' in Milestone 8.4 are less specific given that that service contracts are given to a plethora of firms and organisations. Similarly, it is unclear what 'other jurisdictions' refers to and which exact theoretical benchmarks will the assessment of transparency clauses. Given that there is no legislative change that will result, the potential impact is minor. For example, consultation on the introduction of a standard transparency clause in grant agreements, as per Milestone 8.4, is not necessarily going to be met with a resultant law that makes this a statutory obligation for all grant agreements going forward. Without such procedures which are guaranteed by law, this makes the potential impact minor.

Completion

The overall progress of this commitment has not begun and it is behind schedule. According to the government's progress report, one initial meeting took place between the Reform and Delivery Office, Office of Government Procurement, and the Director of Open Contracting Partnership in January 2017 regarding milestones 8.1 and 8.2. There is no reporting on milestones 8.3 and 8.4 in the government's progress report. No stakeholders have been consulted in the first year of implementation, which would have theoretically taken place in the implementation of milestones 8.2 and 8.4.

Next Steps

In the likely event that the commitment is not implemented, it should be carried forward into the next action plan. However, the IRM researcher recommends that the text of the commitment be modified on two grounds. First, the text should be written in plain language, clearly identifying the objectives. Second, it should more explicitly identify both the change in practice that is to be obtained upon successful completion of the commitment, and the legal obligations for all grant agreements that may be developed in the future in order to ensure transparency going forward.

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[1] 'Where does your money go? New website gives detailed breakdown of government spending', *TheJournal.ie*, 11 April 2017, http://www.thejournal.ie/government-money-website-3333906-Apr2017/.

9. Enhance Fiscal Transparency

Commitment Text:

Objective: *To support better resource allocation decision making, and improve people's understanding of what resources are available and the costs over time, of the various choices involved in public spending.*

Status quo: *Fiscal transparency has been advanced recently by the creation of the website whereyourmoneygoes.gov.ie which tries to make it easier to understand Government spending on public services. The performance budgeting initiative aims to strengthen focus on what is being delivered through that spending on public services and to build this information into the policy-making and accountability processes. At its core it is concerned with ensuring that policy development and resource allocation decisions are better informed.*

The introduction of the initiative laid the foundation for a more systematic engagement by parliamentarians and the public on the impact of public policies and on resource allocation decisions.

The initiative has been subject to ongoing review since its introduction, and has evolved considerably over the last number of years. One of the most significant developments has been the reformatting of the Revised Estimates Volume (REV), published each December, to include performance information. Following the publication of REV 2016, a detailed review was carried out of the performance information provided and detailed feedback was provided to the main Government Departments.

A comprehensive guidance note was also developed to assist Departments in selecting and reporting on appropriate performance indicators.

Ambition: *To provide greater transparency on resource allocation and related public policy decisions and to strengthen focus on what is being delivered through public services, with public funds.*

Milestone:

9.1. The Minister for Public Expenditure and Reform has proposed to submit a Performance Report to the Oireachtas by end Quarter One each year, starting in 2017. This report will provide information on the performance of each Vote and the linkages between results and allocated resources. It is intended that this will allow for meaningful engagement between the Oireachtas and Government Departments on resource allocation and public policy decisions.

Responsible institution: Department of Public Expenditure and Reform

Supporting institutions: All government departments and supporting bodies

Start date: January 2017

End date: June 2018

Commitment Overview	Specificity	OGP Value Relevance	Potential Impact	On Time?	Completion

	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
9. Overall		✔			Unclear					✔			Yes			✔	

Context and Objectives

In Ireland, the public can see how the state allocates its funds on the 'Where Your Money Goes' website, a portal on government spending on public resources.[1] However, the website lacks information on the performance of government expenditure, or what exactly is being delivered with public funds. This commitment aims to develop a Performance Report to be presented to the Oireachtas (the Irish parliament) by Q1 of each year (starting in 2017) that will provide information on the performance of all the gross spending by government departments and agencies, and the links between the results and allocated resources.

The commitment text as written does not explicitly state that the proposed Performance Report to be presented to parliament will also be made public. Therefore, its OGP value relevance, *prima facie*, is unclear. However, DPER ultimately published the Performance Report in April 2017 (as explained below in the Completion section), and the information presented to parliament was also made available to the public. The upcoming IRM End of Term Report (which focuses on outcomes of the commitment from implementation as opposed to the commitment design) will reflect this improvement in access to information. While the commitment calls for a verifiable deliverable (the Performance Report) with a specific timeline for the reports to be presented to parliament, the actual contents of the reports are unclear (besides the vague 'linkages between results and allocated resources'). Thus, the specificity is marked as low. If fully implemented, the commitment could lead to greater transparency in government expenditures, but without guaranteed public scrutiny of the reports, and without a clearly defined mechanism by which citizens can express concerns over the resource allocation, the potential impact is minor.

Completion

The progress made on this commitment has been substantial and it is on schedule. In April 2017, the Minister of DPER, Paschal Donohoe, published the 2016 Public Services Report on the DPER website, focusing on the results delivered in terms of outputs for the following expenditure areas: Social Protection, Health, Education, Justice, Transport, Agriculture, Defence, Enterprise & Innovation, Foreign Affairs, Finance, Climate Action & Environment, and Arts.[2] The report provides detailed analysis of expenditures in key budgetary areas such as health. As an example, we see that 16,313 children aged 24 months received the MMR vaccine, which, in terms of impact, represents 92.5 percent of children within this age group. In other cases, however, the data falls short. For example, while it is reported that EUR 43.2 million has been spend on Environment and Waste Management, mostly related to projects supporting waste remediation, it is difficult to assess the impact of this and whether or not more should have been spent.

Early Results

Though not explicitly guaranteed in the commitment, DPER made the 2016 Public Services Report available to the public. This represents a positive step towards greater transparency on resource allocation in Ireland, though an update of the information in the report by civil society or citizens has yet to be seen.

Next Steps

This is an ongoing commitment and, consistent with the statements made in July 2017 by the Secretary General of DPER Robert Watt to the Public Accounts Committee, it is hoped that the report will 'creat(e) space for enhanced dialogue and more effective parliamentary engagement.'[3] Given its level of completion, it is not necessary to include this commitment in the next action plan. However, the IRM researcher recommends modifying the commitment to consider how the information used in these reports is deliberated on by citizens, to feed into potential consultations regarding the development of future budgets.

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[1] Available here: www.whereyourmoneygoes.gov.ie.
[2] This can be found at: http://www.per.gov.ie/en/new-performance-report-will-support-policy-making-increase-awareness-and-enhance-parliamentary-engagement-donohoe/.
[3] Watt, Robert, 'Opening Statement,' Public Accounts Committee, 6 July 2017, https://www.oireachtas.ie/parliament/media/committees/pac/correspondence/2017meetings/meeting45-06072017/PAC32-R-666-A---DPER-Opening-Statement-060717.pdf.

10. Introduce Modern Document Management Procedures

Objective: *To propose a Public Service Records Management Plan to facilitate coherent and comprehensive records management in the Public Service that will assist Public Service bodies in carrying out their functions effectively in addition to supporting the requirements of National Archives, Freedom of Information and Data Protection legislation.*

Status quo: *Records management relates to a broad set of corporate responsibilities and enables Public Service bodies carry out their functions effectively in addition to supporting the smooth operational requirements of National Archives, Freedom of Information and Data Protection legislation*

In 2005 the Civil Service Centre for Management Organisation Development (CMOD) issued guidance regarding records management ('Old rules are still good rules - Record Management Guidelines). Over time, organic record keeping practises have evolved including the proliferation of disparate record keeping systems of varying quality based on digital technologies. The advantages of digital systems in creating, copying and distribution of documents has diluted the underlying systems which were traditionally used to manage files and to ensure the context, reliability and integrity of the record.

Ambition: *The Ministers for Public Expenditure and Reform, and Arts, Heritage, Regional, Rural and Gaeltacht Affairs, will shortly bring a memorandum to Government requesting approval for a proposed Public Service Records Management Plan to deliver the policies, guidelines, structures and systems necessary to facilitate coherent and comprehensive records management. The Plan, will also address the issue of electronic and digital records, as well as giving direction to public bodies with regard to records not meriting long-term preservation management.*

Milestones:

10.1. Present a Public Service Records Management Plan to the Government for decision

10.2. More milestones will be added to show how this commitment will be delivered subject to Government's approval of the Plan. If approved it is envisaged the plan will be delivered over three years.

Responsible institution: National Archives, Department of Public Expenditure and Reform

Supporting institutions: All government departments

Start date: January 2017

End date: January 2020

Commitment Overview	Specificity	OGP Value Relevance	Potential Impact	On Time?	Completion

	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
10. Overall		✔			Unclear					✔			No		✔		
10.1. Present a Public Service Records Management Plan to the Government for decision		✔			Unclear					✔			No		✔		
10.2. More milestones will be added	✔				Unclear				✔				No	✔			

Context and Objectives

Classical scholars of bureaucracies, such as Max Weber, have highlighted one of their key features: business is managed on the basis of written documents and a filing system.[1] Therefore, having a system of written documents which records all of the decisions that are taken by public bodies is essential in any modern democracy. From a different vantage, poor management of records poses the problem of incomplete information that is not easily accessible electronically. Electronic filing is a particularly important issue in Ireland; it lacks a modernised infrastructure to centralise the volume of historically written documents as well as store more recent communications (such as emails) within and between public bodies. The lack of housed information within a clear structure is problematic precisely because government needs to be accountable for its actions, especially if there is a freedom of information (FoI) request from citizens. FoI, as seen in the government's commitment to it in the last action plan, is a particularly salient issue in Ireland, given the public's historical desire to file requests.

This commitment seeks to propose a Public Services Records Management Plan to create robust records management in public bodies so that they comply with the requirement of the National Archives, Freedom of Information, and Data Protection legislation. The commitment also calls for more milestones to be added in the future.

The Public Services Records Management Plan theoretically improves the management of public records, including electronic and digital records. Improving the management of records, however, does not necessarily mean improving transparency or the release of records to the public. As such, this could theoretically end up as an internal change with no public face, especially considering that the public-facing element of it is not specified in the commitment language. As such, Milestone 10.1 is coded as having unclear relevance to OGP values. Moreover, Milestone 10.2 (which calls for more milestones) is not relevant to any OGP values. There is little information for what the Public Services Records Management Plan will

include, only that it will be presented to the government. Similarly, the goal to add more milestones in the future is highly vague. Therefore, the specificity is marked as low. Even if the Public Services Records Management Plan is completed and presented to the government, the commitment does not explain how the plan will be put in motion once approved, making the potential impact minor.

Completion

The completion level for this commitment is limited and behind schedule. In October 2016, shortly before the action plan was adopted, the National Archives held 'a seminar for civil and public servants to raise awareness of the value and importance of good records management,' which also 'considered challenges of preserving electronic records.'[2] At the start of the action plan, a memorandum from the minister of DPER and the minister for arts, heritage, regional, rural and Gaeltacht affairs has been sent to the cabinet on the three-year plan to reform records management across the public service. However, the progress report on the commitment indicates that a Public Service Records Management Plan was not agreed by cabinet during the first year of the plan.

There is no evidence that the government has engaged potential stakeholders in the formulation of the memorandum and/or the plan, as verified by one of the stakeholders that made a relevant submission on this commitment during action plan development, Transparency International. Although the action plan states that this is a three-year plan, the lack of substantive progress in the first year beyond the memorandum on the plan indicates that implementation is behind schedule.

Next Steps

Given that this commitment has a timeframe of over three years, it is likely that the commitment will not be completed by the second year of the action plan and it should therefore be included in the next plan. Going forward, however, the IRM researcher recommends that Milestone 10.2 not be included due to its lack of any specificity, or that if it is to be included then more specificity should be given. Because citizens may directly benefit from this commitment if there is more of a guarantee that they will attain additional access to information as a result, it is also advisable that reference to developing the plan in conjunction with stakeholders be made explicit in the next action plan.

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[1] The Weberian analysis of 'ideal types,' based on his pioneering work on bureaucracies, is seen in most introductory texts on political science, such as Heywood, 2013, Politics 4th edition, London: Palgrave, Chapter 16. For a fascinating recent analysis to better understand the influences on Weber's conceptualisation of bureaucracies, see G. Cochrane, 2017, *Max Weber's Vision for Bureaucracy: A Casualty of World War I*, London: Palgrave

[2] 'National Archives progresses new public service records management plan,' MerrionStreet.ie, 19 October 2016, https://merrionstreet.ie/en/News-Room/Releases/National_Archives_progresses_new_public_service_records_management_plan_.html.

11. Develop and Open Data Strategy 2017-2020

Commitment Text:

Objective: *Improve access to information and strengthen transparency by scaling up the volume and quality of open data available on the Government's open data portal: data.gov.ie*

Status quo: *Governance structures are in place via the Open Data Governance Board (ODGB) and a Public Bodies Working Group (PBWG) provides technical advice to support the Open Data Initiative. The Foundation document for the development of the Public Service Open Data Strategy and the Open Data Technical Framework are publicly available. Consultation with stakeholders has commenced. Data.gov.ie portal has been developed and enhanced and the number of datasets has grown to approx. 4500. A number of public bodies are actively engaged with the initiative but more engagement is required to bring other public bodies on board to make their data available as open data. Greater promotion of the portal amongst potential users is also required.*

Ambition: *To develop and implement an Open Data Strategy setting out short and long term goals over 2017-2020 including:*
• building the number of datasets accessible through the open data portal: data.gov.ie
• monitoring compliance with the Technical Framework to ensure open data is in line with best practice
• raising awareness and promoting usage through multiple communication channels, such as participation at seminars, conferences, producing blogs, newsletters, etc.

Milestones:

11.1. Complete ongoing consultation with all stakeholders on proposed Open Data Strategy and then Develop a Draft Open Data Strategy 2017-2020.

11.2. Begin implementation of the Open Data Strategy 2017-2020.

Responsible institution: Department of Public Expenditure and Reform

Supporting institutions: All government bodies

Start date: January 2017

End date: June 2020

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete

11. Overall			✔		✔	✔		✔			✔		Yes				✔
11.1. Develop Open Data Strategy 2017-2020			✔			✔					✔		Yes				✔
11.2. Begin implementation of Open Data Strategy			✔		✔			✔			✔		Yes				✔

Context and Objectives

The development of open data policies was a major objective of Ireland's first action plan, which saw establishment of an Open Data Ireland Governance Board (ODIGB), and saw Ireland adopt the principals of the G8 Open Data Charter.[1] Building on these completed commitments, this commitment calls for ongoing consultations with stakeholders on a proposed Open Data Strategy, develop a Draft Open Data Strategy 2017-2020, and begin the implementation of the Open Data Strategy 2017-2020. The Open Data Strategy 2017-2020 will involve:

- Building the number of datasets accessible through the open data portal: data.gov.ie
- Monitoring compliance with the Technical Framework to ensure open data is in line with best practice
- Raising awareness and promoting usage through multiple communication channels, such as participation at seminars, conferences, producing blogs, newsletters, etc.

The commitment stipulates that the Open Data Strategy be drafted in consultation with stakeholders, thus relevant to the OGP value of civic partition. The building of datasets and use of the open data portal is also relevant to the OGP value of access to information. The commitment has a clear deliverable (the Open Data Strategy), and a reasonably clear roadmap towards measuring it development (such as the open data portal, the Technical Framework, and the awareness-raising initiatives). However, the method of stakeholder consultation during the development is not specified, and the commitment states 'all' stakeholders will be consulted, which is vague. Therefore, the specificity is marked as medium. If fully implemented, the Open Data Strategy will allow for the publication of more datasets that are useful to citizens. The ongoing consultation with stakeholders will ensure that the Open Data Strategy is designed in a way that fits stakeholder needs, while the awareness-raising campaign could increase traffic to the datasets. However, it is unlikely to be a reform that could transform 'business as usual' in the policy area. For data to contribute to transformation, there is always the core limitation that mobilisation always needs to happen around the use of the data.

Completion

Overall, the commitment was completed. With regard to Milestone 11.1, public consultations took place in 2016, where the Open Data Governance Board met with representatives from various public bodies, businesses, CSOs, and researchers. Once a draft of the Open Data Strategy was released, more consultation took place. This is verified by desk research which examined the six responses made by various stakeholders to the strategy in June 2017.[2] There is evidence that these responses were taken into consideration when the final document on the strategy was released in July 2017, as seen in DPER's response to suggestions made by the CEO of Idiro

Analytics. His suggestions were incorporated into the reformulation of Action 2.4 the Implementation Plan found in the final strategy.[3]

The key themes guiding the Open Data Strategy include:[4]

- Broaden the range of public bodies actively engaged in the Open Data Initiative – the 'Open Data Providers',
- Broaden the scope and improve the quality, quantity and range of Open Data and associated metadata (to be used internally and made available to the public),
- Continue to engage with all stakeholders and encourage use of Open Data,
- Support and encourage various groups of open data users,
- Provision of framework to support and train all Data providers,
- Evaluate the impact, benefit and risks of open data,
- Ensure effective government structures are in place.

With regard to the implementation of the policy (Milestone 11.2), the evidence suggests that this has taken place since July 2017 when the Strategy was adopted. DPER is working with the organisation UrbanTide to adopt frameworks for open data training and technical support.[5] The implementation phase of this commitment will take place over the next three years, including more trainings, awareness raising, and engagement with key stakeholders on feedback. However, it is important to note that this Milestone 11.2's stated objective is to '*begin'* implementation of the Open Data Strategy. While implementation has begun, the process is ongoing.

Next Steps

This commitment does not need to be included in the next action plan as it has been completed. However, it is important that the government continues to consult stakeholders in the implementation of open data policy. It is indeed impressive that in its 2017 examination of Open Data policies, which assessed the features available on national Open Data portals and the expected impact of Open Data, the European Commission ranked Ireland first in Europe in Open Data Maturity Assessment.[6] Every effort should be made to sustain this high-ranking position.

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[1] For more information, see the IRM's Ireland End-of-Term Report 2014-2016, https://www.opengovpartnership.org/documents/ireland-end-of-term-report-2014-2016, pg. 15.
[2] See: http://www.per.gov.ie/en/open-data-consultation-and-research/.
[3] See the file, Response by DPER to Public Consultations received on http://www.per.gov.ie/en/open-data-consultation-and-research/ For a copy of the final strategy adopted in July 2017, see also: http://www.per.gov.ie/en/open-data-consultation-and-research/ The research team is grateful to the Open Data Unit of DPER for having supplied a copy of the strategy.
[4] Taken from the Open Data Strategy 2017-2022, pg. 19.
[5] See: https://data.gov.ie/content/blog-urbantide-irelands-open-data-training-provider-public-service.
[6] Further details of the report can be found online here: https://www.europeandataportal.eu/en/highlights/open-data-maturity-europe-2017.

12. Invest in Data Infrastructure that will result in better Open Data

Commitment Text:

Objective: *Strengthen the quality and quantity of potential Open Data sets by investing in data systems, people, standards, unique identifiers and processes.*

Milestones

12.1. The OGCIO will work with DSP, Revenue, DJEI, CSO and other stakeholders to develop the concept of a National Data Infrastructure, including the initiation of pathfinder projects that will demonstrate the value of linking data from multiple sources

12.2. D/PER will work with Parliamentary Counsel to complete the drafting of the Data Sharing and Governance Bill and progress it through the Oireachtas to enactment.

12.3. The OGCIO, supported by the ICT Advisory Board and Heads of Civil Service HR and PAS, will work with Human Resources staff to develop an ICT Human Resource Strategy.

12.4. The OGCIO will build on existing relationships and practice sharing with the most advanced data-enabled EU countries (specifically the Nordics and the Netherlands), taking advice as appropriate, to define the gap between Ireland and EU exemplars and identify strategies to make up the ground.

Responsible institution: Department of Public Expenditure and Reform

Supporting institutions: All Government bodies

Start date: January 2017

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full commitment text, visit: https://www.opengovpartnership.org/sites/default/files/Ireland_NAP_2016-2018.pdf.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
12. Overall				✔	✔			✔			✔		Yes			✔	
12.1. Develop the concept of a National Data Infrastructure			✔		✔			✔			✔		Yes			✔	

12.2. Draft Data Sharing and Governance Bill & attain legislative approval				✔	✔			✔			✔		Yes			✔			
12.3. Develop an ICT Human Resource Strategy				✔	Unclear						✔		Yes			✔			
12.4. Build on existing relationships with advanced data-enabled EU countries		✔			Unclear					✔			Yes			✔			

Context and Objectives

Ireland's first action plan included a commitment (under Actions 1.1-1.3) to develop open datasets to be housed in the newly developed portal, data.gov.ie. The IRM end of term report found that, by the end of 2016, there was substantial development of such datasets prior to the action plan, with the portal housing 4,887 datasets from 97 publishers, grouped in ten themes such as health, environment, transport, housing and zoning, and others.[1] This commitment seeks to strengthen the quality and quantity of potential open data by developing the concept of a National Data Infrastructure, drafting relevant legislation, developing an ICT HR strategy, and sharing 'best practices' on the theme with the leading open data EU member states.

The commitment includes actions that will make data more available, namely the development of a National Data Infrastructure and the Data Sharing and Governance Bill, thus making it relevant to the OGP value of access to information. The milestones include actions that are verifiable and measurable (the National Data Infrastructure, the Data Sharing and Governance Bill, and the ICT HR Strategy), though Milestone 12.4 on building relationships with other EU member states on open data is slightly vague. Overall, the specificity is marked as high. If fully implemented, the different initiatives could improve the quality and quantity of potential datasets depending on the investment taken. However, it is not apparent how it will change 'business as usual,' so the potential impact is marked as moderate. In other words, it is not transformative because successive actions, as well as Ireland's future relationships with other EU states on this issue, remain unclear.

Completion

The overall progress in the first year of implementation is substantial and on schedule. The government states that its progress on the milestones includes the following:

Milestone 12.1: Substantial progress has been made in developing the concept of a National Data Infrastructure, including a roll out of the SAFE 2 registration (related to the PSC and MyGovID). This ensures that data related to citizens is associated with the person securely as well as using Eircodes (newly developed postal codes in Ireland) when gathering data during the provision of public services.

Milestone 12.2: The General Scheme (i.e. main headings/aspects) of the Data Sharing and Governance Bill has been completed: in May 2017, the Joint Committee on Finance and Public Expenditure and Reform undertook requisite pre-legislative scrutiny.[2]

Milestone 12.3: In year one, the government reported that a sub-group of the ICT Advisory Board is working on an ICT HR Strategy in the civil service in line with the Civil Service Renewal Programme.

Milestone 12.4: Regarding policy learning from other EU member states, the government participated in a July 2017 conference, along with representation from Denmark, Estonia, and Luxembourg, that examined the benefits of a well-functioning data ecosystems.

However, it should be noted that stakeholders were not consulted during the last year and have therefore not been involved in the implementation of the commitment. This is evidenced by comments from an interview with one civil society leader working on open data who stated that 'there has not been public consultation on this,' or on comments made in the IRM public stakeholder meeting.[3]

Early Results

There is some evidence that the investment in data infrastructure has improved the quality of open data and the data is being used by the public. Considering that there were 4,887 datasets from 97 publishers, grouped in ten themes at the end of 2016, by the end of 2017 there were 5,486 datasets from 99 publishers on 14 themes. A member of civil society who is a leading expert interviewed for this report confirms that 'there is new, more detailed, better data on the portal, that is more frequently updated.'[4]

Next Steps

Given the strong progress so far, this commitment is likely to be completed and does not need to be carried forward to the next action plan.

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[1] See the Ireland End-of-Term Report 2014-2016, https://www.opengovpartnership.org/documents/ireland-end-of-term-report-2014-2016, pg. 15.
[2] 'Opening Statement,' Joint Committee on Finance, Public Expenditure & Reform, and Taoiseach Draft General Scheme of the Data Sharing & Governance Bill,' 18 May 2017, https://www.oireachtas.ie/parliament/media/committees/finance/2017/DPER-Opening-Statement-PLS-Data-Sharing.pdf.
[3] Interview with open data expert, October 2017. Stakeholder meeting as discussed in Section 1.
[4] Interview with open data expert, October 2017.

✪13. Develop a Code of Practice for the Governance of Charities

Commitment Text:

Objective: *Strengthen the corporate governance standards of charities in order to promote transparency, accountability and improve citizen trust in this important sector.*

Status quo: *In Ireland, billions of Euro are dispersed by the Government to charities to deliver services that in other jurisdictions are often delivered directly by the state. In recent years, a number of these bodies have been subject to investigations due to lax governance standards. The charities sector, through Charities Institute Ireland, has developed Fundraising Principles while the wider not-for-profit sector has developed The Governance Code, which is a voluntary governance code. DPER Circular (13/2014) 'The Management of and Accountability for Grants from Exchequer Funds' focuses primarily on accounting for funds.*

Ambition: *To develop appropriate, proportional, clear and supported standards of governance for charities, including areas such as financial governance, transparency, recruitment and tenure. These standards will deliver better outcomes for our society through better focused charities where volunteers, staff, service recipients and all other stakeholders will have a common point of reference for governance standards.*

Milestones:

13.1. Conduct consultation with all stakeholders and develop first draft of a Code of Practice for the Governance of Charities

13.2. Seek feedback on the first draft and then publish finalised Code of Practice for the Governance of Charities

13.3. Work with charity sector representatives to design a structured, supported rollout process

Responsible institution: Charities Regulator

Supporting institutions: All government departments that fund services via the charities sector

Start date: January 2017

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete

13. Overall				✔		✔	✔					✔	Yes			✔	
13.1. Develop first draft of Code of Practice				✔		✔						✔	Yes			✔	
13.2. Feedback on first draft and publish finalised Code of Practice				✔		✔						✔	Yes	✔			
13.3. Design rollout process				✔		✔	✔					✔	Yes	✔			

Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

Context and Objectives

Ireland has witnessed several charity-related scandals in recent years. In late 2013, the Central Remedial Clinic admitted using charitable funds to increase the salaries of senior staff members.[1] In 2016, another Irish charity, Console, was involved in a scandal where the suicide bereavement charity's founder, his wife, and their son accrued almost €500,000 in salaries and cars from 2012 to 2014, according to an audit by the Health Services Executive.[2] Given that billions of euros in state funds are given to charities, and that the public's trust in charities decreased as a result of the scandals, standards in charities must be increased in order to promote transparency and increase public trust in these institutions. This commitment seeks to reform regulation of this sector by developing clear, robust standards of charity governance, particularly on the role of trustees (who make decisions on the charity as members of its governing body), financial governance, and the recruitment of charity employees. Specifically, the commitment calls for developing a Code of Practice for the Governance of Charities to:

- Engage in public consultation to develop the Code, using this as a basis to make the first draft,
- Seek feedback from stakeholders on this first draft and then formulate a final draft, and
- Implement the policy, including stakeholders in the process.

Given that consultation is at the heart of the first two milestones, and that stakeholders are involved in the implementation of the third milestone, the commitment is relevant to the OGP value of civic participation. The commitment is also relevant to the OGP value of public accountability, particularly in the implementation of the policy (Milestone 13.3) where the Charities Regulator will ensure that charities abide by the code. Abiding by the code (or not) ultimately means that the actions of charities will be monitored and subsequently charities will be held accountable for their actions as the process is rolled out and implemented. The specificity for all three milestones is high: there are clear goals, structured along a clearly delineated three-staged timeline, and with clear outputs related to the formulation and implementation of a regulatory policy. Given the nature of the scandals that have rocked the sector, the clear need to fill the regulatory vacuum in

this area, and the need to reverse the current trend of citizens decreasing their donations to charities in the wake of these scandals,[3] this commitment could have a transformative potential impact on the charity sector.

Completion

For the purposes of this report, the IRM researcher considered only the completion level of Milestone 13.1, as this is the only milestone scheduled to be pursued during the first year of the action plan. The other two will be coded as 'not started' because they are scheduled to start in after the first year of the plan.

The completion level of Milestone 13.1 is substantial, even though it is behind schedule. In terms of what has been achieved:

- A consultative Panel was established, met three times starting in April 2017, and developed initial ideas for the Code that will be taken into public consultation.[4]
- Shortly after the reporting period, starting in Q3/4 2017, the consultation process began with meetings in Cork, Galway, and Dublin.[5]
- During the reporting period, the Charities Regulator also clearly published on its webpage a link to an online questionnaire for stakeholders and citizens to make their views on how Irish charities should be regulated, allowing them to make their views on governance standards.[6]

However, the first draft of the Code has yet to be released, given that public consultation was to be finalised in Q4 2017. This means that Milestone 13.1 is behind the scheduled date of September 2017.

The IRM researcher's team attended the 21 November 2017 consultation event in Dublin and had the opportunity to meet with state officials and stakeholders from various charities at the event. Reflective of many of the attendees' views, one participant told the IRM researcher's team that Ireland needs tighter regulation in the area in order to increase public confidence in the sector. The participant thereby commended the government in its effort with this commitment and desire to include stakeholders in the formulation and implementation of the policy.

Next Steps

The government should make every effort to ensure that this commitment is finalised by the second year of the action plan. If so, it does not need to be included in the next action plan.

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[1] O'Brien, Carl, Wall, Martin, 'Central Remedial Clinic used charity money to top up senior staff salaries', *The Irish Times*, 28 November 2013, https://www.irishtimes.com/news/health/central-remedial-clinic-used-charity-money-to-top-up-senior-staff-salaries-1.1610631.

[2] McGarry, Patsy, 'Give me a crash course in…charities' controversy', *The Irish Times*, 9 July 2016, https://www.irishtimes.com/news/ireland/irish-news/give-me-a-crash-course-in-charities-controversy-1.2715293.

[3] For an examination of a drop in public trust in charities post Console scandal, see: 'Charities braced for a drop in donations – again,' *Independent.ie*., 19 April 2018, https://www.independent.ie/irish-news/charities-braced-for-a-drop-in-donations-again-34891640.html.

[4] On this panel, see: http://www.charitiesregulatoryauthority.ie/en/cra/pages/wp17000006.

[5] In this regard, the Charities Regulator (the main implementing institution of this commitment) kindly invited the IRM researcher's team to attend the meeting in Dublin on November 21.

[6] See Charities Regulator Website, where survey is to be closed on 6 December 2017: http://www.charitiesregulatoryauthority.ie/en/cra/pages/wp16000075.

14. Strengthen Anti-Corruption Measures

Commitment Text:

Objective: *To strengthen the legislative framework to prevent, investigate and respond to corruption in the public and private sectors.*

Ambition:
A) Finalise and enact the Public Sector Standards Bill to put in place a framework which modernises, simplifies and streamlines the current legislative framework for ethics with a robust and effective institutional framework for oversight, investigation and enforcement.

B) A new Criminal Justice (Corruption Offences) Bill will be published and enacted to replace the outdated and overlapping Prevention of Corruption Acts which date back to 1889. The new Bill will replace existing offences and supplement them with new offences including those which will incriminate trading in influence, intimidation, misuse of confidential information by a public official, and facilitating corruption. The Bill will clarify the liability of corporate bodies for offences. It will also extend the range of penalties available to a court when a person is convicted to include forfeiture of public office.

C) The prevention of corruption in the judicial sector will be enhanced by reforms in governance and accountability by establishing a judicial council. The Judicial Council legislation will provide for the establishment of a Judicial Conduct Committee, the function of which will be to promote and maintain high standards of judicial conduct.

In addition to investigating complaints into the conduct of individual judges, the Judicial Conduct Committee will also be given responsibility for preparing and submitting draft guidelines concerning judicial conduct and ethics to the Board of the Council, for adoption by the Council. It is also envisaged that the Judicial Conduct Committee would have a role in providing advice on judicial conduct and ethics, both in general terms and to individual judges.

Milestones:

14.1. Progress the Public Sector Standards Bill through the Oireachtas to enactment

14.2. A new Criminal Justice (Corruption Offences) Bill will be published and enacted

14.3. Judicial Council legislation will be published and enacted

Responsible institutions: Department of Public Expenditure and Reform, Department of Justice

Supporting institution(s): N/A

Start date: January 2017

End date: June 2018

Commitment Overview	Specificity	OGP Value Relevance	Potential Impact	On Time?	Completion

	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
14. Overall				✔			✔					✔	No		✔		
14.1. Progress the Public Sector Standards Bill through the Oireachtas to enactment				✔			✔					✔	No		✔		
14.2. New Criminal Justice (Corruption Offences) Bill published and enacted				✔			✔					✔	Yes			✔	
14.3. Judicial Council legislation will be published and enacted				✔			✔					✔	Yes			✔	

Context and Objectives

The financial and economic crisis in late 2000s that nearly destabilised the Irish banking and financial system can be explained in part by corrupt practices, including close relationships between special interest groups such as banks and developers and political actors working in the state. Conflicts of interest for public officials decreased public trust in government, and is particularly salient given the corruption that led to Ireland's recent financial and economic crisis.[1] Ireland's Prevention of Corruption Acts date back to the 1889, and some aspects have become outdated. International institutions, such as the Council of Europe and its Group of States against Corruption (GRECO),[2] as well as the OECD, have recently outlined international best standards on how to fight corruption and promote ethics amongst public officials.[3]

This commitment seeks to update and strengthen Ireland's anticorruption laws by aligning them with international best practices. To achieve this objective, the commitment includes three key solutions:

1) Legislative approval of the Public Sector Standards Bill, an initiative that provides for a new ethics regime to effectively identify, disclose, and manage actual or potential conflicts of interest in the public sector. This initiative has been carried from the previous action plan (where it was Commitment 3.1).
2) Developing and enacting a new Criminal Justice (Corruption Offences) Bill, which will consolidate extant piecemeal legislation in the area (seen in the

Prevention of Corruption Acts 1889 to 2010). The initiative will also modernise legislation by criminalising new offences, such as the misuse of confidential information by a public official.

3) Develop and enact Judicial Council legislation to prevent corruption in the judicial sector. This legislation will call for the establishment of a Judicial Council and a Board of Judicial Council to promote 'excellence and high standards of conduct by judges'. In addition, it will provide for the establishment of a Judicial Conduct Committee, the membership of which will include lay persons, to facilitate investigation of judicial misconduct allegations.[4]

If fully implemented, this commitment would shed light on the actions of key state actors working in the political system (namely, civil servants, elected officials, and judges), ascribe consequences and penalties for their actions, and increase public trust in government. Therefore, it is relevant to the OGP value of public accountability. The milestones are all tied to clear, concrete, legislative initiatives to be passed by parliament and enacted in law, thus making the commitment's specificity high. Dr. Laura Cahillane from the School of Law at the University of Limerick notes that the introduction of the Judicial Council Bill is a positive development in Ireland, stating that 'the judiciary was one of the few institutions left in Ireland for which there was effectively no accountability.'[5] More robust anticorruption measures that promote ethical standards and practices of public officials across a range of institutions—namely, the bureaucracies, the executive, the legislature, and the courts— could have a transformative potential impact because of the history of corruption in Ireland, particularly during the previous Fianna Fáil administrations.[6]

Completion

Overall, there is limited completion of this commitment and it is behind schedule. This assessment is made based on developments in Milestone 14.1 in particular. According to the government's progress report on the commitment and desk research, the following activities were completed for each milestone during the first year of action plan:

Milestone 14.1: The IRM End of Term Report for Ireland's previous action plan stated that the Public Sector Standards Bill had completed the second stage of reading in parliament in January 2016 and was expected to enter the committee stage of parliament in late 2016, with a view to finalising adoption in 2017.[7] The IRM researcher verified that in the first year of the current action plan, the bill was still only at the committee stage (in April 2017).[8] This indicates that it is delayed, considering that it was introduced in parliament in December 2015, thus making its implementation progress limited and behind schedule. The law will seek to do the following: expand the scope of public disclosures that officials must make; outline principles of integrity and codes of conduct for public officials; and enforce independent regulation of disclosures.

Milestone 14.2: Substantial progress on the new Criminal Justice (Corruption Offences) Bill was made during the first year of the plan. An interviewed public official told the IRM researcher that the bill was tabled in parliament after the reporting period in November 2017.[9] With an anticipated enactment in the second year of the plan, it is on schedule. The new bill will replace existing offences and supplement them with new ones, such as those that will incriminate trading influence or the misuse of confidential information by a public official.

Milestone 14.3: Substantial progress was made on the Judicial Council Bill, and it was introduced to parliament in June 2017 during the first year of the action plan.[10] It

is expected to pass through parliament during the second year, making it on schedule.[11] The bill establishes a Judicial Conduct Committee to promote and maintain high standards of judicial conduct.

Interviewed civil society representatives who have written generally on the issue of corruption have not been consulted during the implementation of the commitment, particularly on the Public Sector Standards Bill.[12] In August 2017, the *Irish Times* reported that, while the Criminal Justice (Corruption) Bill is welcomed, there is concern that it will not be fully completed, given that it has been on the government's agenda since 2012.[13]

Next Steps

Given the potentially transformative impact of the three pieces of legislation, they should be carried forward into the next action plan if they are not completed in the second year of the current plan.

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[1] See R. Chari and P. Bernhagen, 'Financial and Economic Crisis: Explaining the Sunset Over the Celtic Tiger,' Irish Political Studies, December 2011.
[2] More on GRECO can be seen at: https://www.coe.int/en/web/greco/home.
[3] The OECD notes that a 'conflict of interest arises when a public official (including elected officials, members of boards of public bodies, and civil servants) has private-capacity interests which could improperly influence the performance of their official duties and responsibilities.' See http://www.oecd.org/gov/ethics/49107986.pdf , Pg. 7.
[4] As stated by the government here: http://www.justice.ie/en/JELR/Pages/JudicialCouncilBill.
[5] Gartland, Fiona, 'Judges not named if censured under proposed Judicial Council Bill,' *The Irish Times*, 26 August 2017, https://www.irishtimes.com/news/crime-and-law/judges-not-named-if-censured-under-proposed-judicial-council-bill-1.3198571.
[6] For a detailed discussion of the corruption, see Shane Ross, 2009. The Bankers: How the Banks Brought Ireland to Its Knees (Dublin: Penguin).
[7] See the IRM End-of-Term Report 2014-2016 for Ireland, https://www.opengovpartnership.org/documents/ireland-end-of-term-report-2014-2016, pg. 46.
[8] The list of amendments at committee stage can be found on: https://www.oireachtas.ie/documents/amendments/2017/b13215d-dsc1.pdf.
[9] Interview with Department of Justice and Equality Official in November 2017; for the link to the desk research verification, see: https://beta.oireachtas.ie/en/bills/bill/2017/122/.
[10] On the introduction of the Bill in Parliament, see: http://www.justice.ie/en/JELR/Pages/PR17000186.
[11] Note that in its assessment of this milestone, the government also noted that the Judicial Appointments Commission Bill was tabled at the same time as the Judicial Council's Bill. This Appointments Bill is not explicitly mentioned in the action plan and is therefore not assessed. On this issue, the status quo in Ireland is that the Minister makes judicial appointments, and this bill seeks to have a 'lay majority' decide who will be judges, which means that more than seven out of 13 people which are publically appointed sit on a committee and decide which judges are to be appointed.
[12] TI has also criticised the that ethics reform was not an issue brought up during the 2016 general election: https://transparency.ie/news_events/election_2016.
[13] 'Corruption: tackling white collar crime', *The Irish Times*, 2 August 2017, https://www.irishtimes.com/opinion/editorial/corruption-tackling-white-collar-crime-1.3173509.

15. Establish a Register of Beneficial Ownership

Commitment Text:

Objective: *To strengthen transparency over who ultimately owns and controls companies and other legal entities, to effectively detect, disrupt and prevent money laundering and terrorist financing.*

Status quo: *Ireland is committed to implementing the Financial Action Task Force (FATF) Recommendations on transparency and beneficial ownership. Ireland is transposing the EU 4th Anti-Money Laundering Directive which requires Member States to create registers of beneficial ownership information of companies (article 30). The EU 4th Anti-Money Laundering Directive is currently being amended to greater enhance counter terrorist financing and transparency provisions which may have an impact on beneficial ownership registers.*

Ambition: *We will work to ensure that beneficial ownership information of companies can be used effectively to detect, disrupt and prevent money laundering and terrorist financing. We will work to ensure accurate and timely beneficial ownership information of companies is collected and available to those with a legitimate interest. This requires mechanisms to ensure law enforcement and other competent authorities, including tax authorities, have full and effective access to accurate and up to date information.*

Milestone

15.1. Establish central registers of beneficial ownership information of companies, put in place effective arrangements for reporting, sharing and exchanging this information and consider the feasibility of making it public.

Responsible institution: Department of Finance

Supporting Institutions: Department of Justice and Equality; Department of Jobs, Enterprise and Innovation; Companies Registration Office; Central Bank of Ireland

Start date: December 2016

End date: To be decided at EU level

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
15. Overall		✔			Unclear					✔			No			✔	

Context and Objectives

This commitment seeks to bring Ireland into compliance with Article 30 of the 4th EU Anti-Money Laundering Directive of 2015, which requires member states to create a register of beneficial ownership information of companies.[1] It also considers the feasibility of making the register public. A beneficial owner refers to 'a person who enjoys the benefits of ownership even though title to some form of property is in another name. It also means any individual or group of individuals who, either directly or indirectly, has the power to vote or influence the transaction decisions regarding a specific security, such as shares in a company.'[2]

According to the action plan, the central register will 'report, share, and exchange' information on beneficial ownership. The commitment states that the Department of Finance will 'consider the feasibility' of making the information on the registers public. While this consideration makes the commitment technically relevant to the OGP value of access to information, it should be noted that this relevance is conditional on whether the information is ultimately made available to the public. Therefore, the OGP value relevance is considered unclear, although this may change in the End of Term report if the information is ultimately made publicly available. The commitment includes a verifiable deliverable in the form of the beneficial ownership register to be compliant with EU standards, but it is unclear what information will be included in the register. Also, the end date is decided at the EU level, making the schedule for the implementation progress difficult to track. Therefore, the specificity is low.

If created, the register could consolidate information on beneficial ownership in Ireland. However, as written, the commitment does not guarantee public access to the register, and it might only be available to public bodies such as the Revenue Commissioner and the Guards, to prevent money laundering and potential financing of terrorist organisations. The CSO Social Justice Ireland, which welcomed the move towards developing a register, expressed this concern, commenting that the government should make the register fully open to the public.[3] At the time of writing, the EU favoured a harmonised approach across member states with regard to making beneficial ownership registers available to the public.[4] In its progress report, Ireland is waiting for the EU to decide on this and then consider more fully making the information housed in the register public. As written, however, the commitment's potential impact is minor.

Completion

The completion level is substantial, but it is behind schedule. Since November 2016, the government has obliged companies to collect information on their beneficial ownership and to file this information with the Department of Finance's central beneficial ownership register. The government states in its progress report that the register is expected to be fully in place and populated. The information will be found in the Companies Registration Office (CRO) by Q4 2017, for which a website has been set up.[5] However, KPMG stated in July 2017 that this commitment has been delayed because, while the EU established an earlier deadline of June 2017, 'the timing of the obligation to disclose beneficial ownership information to a central register has now been extended to autumn 2017.'[6] Thus far, the government has not contacted interested CSOs during the implementation of the policy.

Next Steps

If the commitment is not completed by the second year of the action plan, it should be carried forward to the next plan. Moving forward, the IRM researcher recommends amending the commitment to make the register fully available to the public. While Ireland is currently waiting for the EU to decide if it will stipulate require that beneficial ownership registers to be made public, the United Kingdom has

already done so.[7] Therefore, there is a certain amount of autonomy that can be exercised by any one member state in implementing this policy. The IRM researcher recommends that the government proactively decide to formulate and implement a policy to make the information in this register fully public.

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[1] This legislation can be found here, with Article 30 starting on L141/96: http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES.
[2] Quote taken from: https://www.investopedia.com/terms/b/beneficialowner.asp.
[3] See their comments on Commitment 15 here: https://consult.ogpireland.ie/en/submission/CVQ-258
[4] See: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0450.
[5] The CRO website can be found here: https://www.cro.ie/Registration/Beneficial-Ownership.
[6] See the KPMG report here: https://home.kpmg.com/ie/en/home/insights/2017/07/ireland-delays-implementation-of-central-register-of-beneficial-owners.html.
[7] On the UK register, see: https://www.gov.uk/government/organisations/companies-house. An excellent comparative analysis of beneficial ownership policies across several states (including an openness score associated with the registers, which can scale from 1-100) is also found on the OpenCorporates webpage at: https://opencorporates.com/registers. Ireland has an openness score of 45, while the UK scores 90, which can be explained given the public's access to UK data.

V. General Recommendations

Stakeholders' priorities included a more inclusive co-creation process for the next action plan and greater stakeholder involvement in action plan implementation. The IRM researcher also stresses the need to try to 'redefine' civil society in Ireland and raise citizen and institutional awareness of open government. Additionally, the government and stakeholders need to reflect on whether or not they want to commit to open government in the future.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

In the stakeholders meeting and in interviews with the IRM researcher, stakeholders stressed that the commitments and themes of the current action plan that are most important include those on PPNs, enhancing citizen engagement, and those related to open data. Although not a theme or commitment *per se*, it is important to note that a significant issue addressed by Minister Donohoe in the plan,[1] which many stakeholders deemed should have been given more of priority, was the development of an implementation review group: the government needs to proactively engage and involve stakeholders during the implementation of the current action plan.

Stakeholders mentioned that a potential theme that did not make it into the present action plan, but which should be included in the next one, was to build on whistleblowers' protection. In this regard, if CSO recommendations would have been more fully taken on board, then the nature of some of the commitments in this action plan may have been different. Moving forward, many stakeholders thus stated that the next action plan, when developed, must be more broadly inclusive and responsive to stakeholders' recommendations for commitments to be included. In this regard, several lamented that the plan formulation process this time was not a meaningful co-consultation. In other words, once nongovernmental views were gathered, they were: simply added or ditched into the plan without clear detailed explanation; collated; and finally drafted into a plan exclusively approved by the state, without any meaningful outreach, dialogue, or reflection with civil society actors and citizens. Another suggestion for the next action plan was to buttress this outreach by taking the OGP portfolio out of DPER's hands and putting it under the purview of the Taoiseach's Office. Stakeholders also stated that the government needs to make the public aware of what OGP and the actions plans are; establishing a larger team in government to work on communication could be a way forward.

5.2 IRM Recommendations

Table 5.1: Five Key Recommendations

1	Develop an umbrella group called the 'Multistakeholder Forum,' redefining the term 'civil society' in Ireland.
2	Develop an Implementation Review Group (IRG)
3	Raise awareness of open government
4	Consider other key issues for the next plan, including developing new commitments related to corporate social responsibility

5	Government and stakeholders both need to reflect on whether they really want to commit to open government in the future

1. **Develop an umbrella group called the 'Multistakeholder Forum,' redefining the term 'civil society' in Ireland.**
Mechanisms should be implemented to get CSOs to work together. There is still mistrust and animosity between some CSO leaders, which may explain in part why it is difficult to establish an IRG (see Recommendation 2). One way of building trust amongst civil society would be to have an independent 'umbrella' group that coordinates civil society activities and represents civil society interests. This type of group would be reflective of others found in interest group politics, such as IBEC which represents business interests in Ireland, AmCham in the US, or BusinessEurope in the EU.[2] This does not necessarily need to be a formal group, and can act informally. What is important is that it collates positions of nongovernmental actors and carries forward established positions. Every effort should also be made to include individual citizens interested in open government as part of this umbrella group to prevent perceptions that the umbrella group is controlled by a few historical players from civil society in Ireland (that do not always get along, whilst making this group reflective of individual citizens such as those who have made submission in the development of the second action plan). This group could be referred to as the 'Multistakeholder Forum,' or another name as decided by the group. The important point is that it would be inclusive of all stakeholders interested in opening up government. Redefining the term that is used by taking away reference to the term 'civil society' will help create a break from the negative past where there is mistrust amongst civil society actors in Ireland, and move towards a fresh start.

2. **Develop an Implementation Review Group**.
Moving forward in the second year of implementation, DPER needs to develop an Implementation Review Group (IRG) that is inclusive of civil society actors and individual citizens. This group will be tasked to oversee the implementation of the plan as a whole. Through the stakeholder meeting and interviews, it clear that civil society does not play an active role in the implementation, a persistent problem since Ireland joined OGP. This group could be established through the 'Multistakeholder Forum' as per Recommendation 1, with whom the state can work on developing the IRG.

3. **Raise awareness of open government.**
There are two dimensions to raising awareness. The first relates to raising awareness amongst the public. As stated earlier in the report, the previous recommendation to 'get the word out' has not been adequately addressed. Citizens in Ireland largely do not know what the national OGP action plan is, or what OGP does. Even though the press may report on specific initiatives related to some commitments, the actual coverage about OGP and the action plan itself in mainstream media is lacking. Along with the state, part of the task of the IRG should also be to raise awareness of the OGP.

The second dimension of raining awareness relates to informing public bodies involved in the commitments about the action plan and the importance of the OGP**.** During interviews, the IRM research team discovered that, although public officials were aware of the specific commitments and relevant legislation, some were unaware of Ireland's participation in the OGP. Other

interviewed public officials who are not responsible for any commitments told the IRM research team that while the OGP action plan is well intentioned, it is not widely known in government departments outside of DPER. This reflects that the state would have pursued many of these initiatives regardless of their status as OGP commitments. Having an OGP team that includes government officials beyond a small number in DPER will raise awareness amongst in government about the action plan and why it is important.

4. **Consider other key issues for the next plan, including developing new commitments related to corporate social responsibility.**
As noted many times above, stakeholders have identified some key issues that were omitted from the process that should be key priorities for the next plan. This includes a cogent commitment to climate change, a public register of beneficial ownership, and strong implementation of whistleblower protection.

   The IRM researcher also notes that the government is pursuing excellent policy initiatives in one other area, which may find a natural home in the next plan: corporate social responsibility (CSR). CSR shines light on how companies address social and environmental concerns. The Department of Business, Enterprise, and Innovation (DBEI) has recently outlined in neat fashion four core areas where the state plays a crucial regulatory role: environment, community, market, and workplace.[3] This transparency policy would have a natural home in the next action plan because the DBEI developed it by working with stakeholders in business. It would benefit the policy's continued development if other stakeholders (such as individual citizens and other CSOs that have not necessarily been involved in the CSR debate heretofore) were also involved in spearheading further commitments related to the four core areas of CSR.

5. **Government and stakeholders both need to reflect on whether they really want to commit to open government in the future.** This is a longer-term recommendation based on the experience seen by the IRM researcher over the last two action plans since 2014. Problems related to:

   - lack of co-creation of this action plan;
   - the state ignoring nongovernmental actors when implementing action plan milestones;
   - stakeholders not demanding a place in the implementation of commitments;
   - general ignorance amongst the population of what OGP is;
   - and even some state officials themselves not having heard of the OGP.

These issues raise important questions, such as:

   - What priority does the government actually give to the OGP?
   - What real value are stakeholders getting out of it, considering their general absence in policy implementation?
   - What is the net benefit of maintaining Ireland's ties with the OGP?

The IRM midterm report for Ireland's first action plan warned of some concern that the OGP process was becoming a 'box-ticking' exercise for the government to complete commitments. This report underscores this concern further: it is now

becoming a box-ticking exercise that frankly no one seems to care about. To garner enthusiasm about OGP, the government needs to lead by example by building bridges and engaging in informal conversation with citizens and members of the Multistakeholder Forum (defined above) on the benefits of open government and taking OGP more seriously. Likewise, stakeholders need to engage with the state and demand their place in the implementation of policy. If the state in particular is unwilling to show leadership in this regard, the government should consider taking Ireland out of the OGP altogether.

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[1] See Minister's comments on page 3 of the 2016-18 Action Plan

[2] For an more detailed analysis of how umbrella organisations work in the EU level of governance in sectors where individual firms may also pursue their own lobbying strategies, see R Chari, *Life After Privatization*, Oxford: Oxford University Press, 2015, Chapters 3 (on airlines), 4 (on automobiles), 5 (on electricity).

[3] Department of Business, Enterprise and Innovation, *Ireland's National Plan on Corporate Social Responsibility* 2017-20, pgs. 20-24, available at: https://www.enterprise-ireland.com/en/About-Us/Services/Corporate-Social-Responsibility/Towards-Responsible-Business-Ireland%E2%80%99s-National-Plan-.pdf.

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realisation of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organisations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.[1]

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the 'usual suspects' list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

For the midterm report for Ireland, the stakeholder meeting was held at Trinity College Dublin on Wednesday 25 October 2017, and was attended by 11 participants. The meeting participants offered excellent views on the formulation of the action plan, developments in specific commitments, and ideas on the way forward for Ireland and OGP.

It should be noted that, throughout the research phase, individual face-to-face and phone interviews were also performed by the research team between September and December 2017. This included interviews with eight civil society actors and with 11 public officials. The team also attended a public meeting in Dublin on 21 November 2017 that was held by the Charities Regulator that kindly extended an invitation to the IRM Researcher.

The research team that performed the desk research and interviews for this report consisted of Raj Chari as the principal researcher, as well as three research assistants: Aoife O'Callaghan White, Giulia Santamauro, and Audrey Williams.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

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

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Ireland

Criteria	2013	Current	Change	Explanation
Budget Transparency[2]	N/A	N/A	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (8.79)[5]	4 (9.15)[6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	12/12 (100%)	12/12 (100%)	No change	75% of possible points to be eligible

[1] For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.
[2] For more information, see Table 1 in http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/.
[3] The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and draft laws at http://www.right2info.org/access-to-information-laws.
[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, 'Disclosure by Politicians,' (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organisation for Economic Cooperation and Development (OECD), 'Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency,' in Government at a Glance 2009, (OECD, 2009), http://bit.ly/13vGtqS; Ricard Messick, 'Income and Asset Disclosure by World Bank Client Countries' (Washington, DC: World Bank, 2009), http://bit.ly/1cIokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.
[5] 'Democracy Index 2010: Democracy in Retreat,' The Economist Intelligence Unit (London: Economist, 2010), http://bit.ly/eLC1rE.
[6] 'Democracy Index 2017: Free speech under attack' The Economist Intelligence Unit (London: Economist, 2017), http://pages.eiu.com/rs/753-RIQ-438/images/Democracy_Index_2017.pdf.