

INDEPENDENT REPORTING MECHANISM (IRM):

IRELAND END-OF-TERM REPORT 2014–2016

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First End-of-Term Report



INDEPENDENT REPORTING MECHANISM (IRM): IRELAND END-OF-TERM REPORT 2014-2016

At the end of its first action plan cycle, 87% of Ireland's commitments were complete or achieved substantial progress. Moving forward, priority should be given to establishing a permanent group to oversee the implementation of the next action plan.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP participating country. This report summarizes the results of the period 1 July 2014 to 30 June 2016 and includes some relevant developments up to September 2016.

The Department of Public Expenditure and Reform (DPER) has coordinated the OGP process in Ireland. Civil society groups were involved in the Action Plan development, as well as in the implementation of some of the individual commitments. A significant number of the commitments and milestones were led by DPER, in cooperation with other departments (such as the Department of Education and Skills).

The government published its second action plan in December 2016. Six commitments were carried over. The government published its self assessment report in November 2016.

TABLE 1: AT A GLANCE

NUMBER OF ACTIONS: 30

LEVEL OF COMPLETION

	MIDTERM	END-OF-TERM
COMPLETED:	6 (20%)	17 (57%)
SUBSTANTIAL:	18 (60%)	9 (30%)
LIMITED:	4 (13%)	3 (10%)
NOT STARTED:	1 (3%)	1 (3%)
UNCLEAR:	1 (3%)	0

NUMBER OF COMMITMENTS WITH:

CLEAR RELEVANCE TO OGP VALUES:	28 (93%)	28 (93%)
TRANSFORMATIVE POTENTIAL IMPACT:	4 (13%)	4 (13%)
SUBSTANTIAL OR COMPLETE IMPLEMENTATION:	24 (80%)	26 (87%)
ALL THREE (🌟):	4	4

DID IT OPEN GOVERNMENT?

MAJOR:	N/A	9
OUTSTANDING:	N/A	2

MOVING FORWARD

COMMITMENTS CARRIED OVER TO NEXT ACTION PLAN:	6 (20%)
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CONSULTATION WITH CIVIL SOCIETY DURING IMPLEMENTATION

While civil society was heavily involved in the development of Ireland’s National Action Plan, there was a lack of development of the Implementation Review Group (IRG), which was supposed to monitor the implementation of the National Action Plan as a whole. As reported in the IRM midterm report, consultation with civil society organizations (CSOs) did take place when some of the *individual* actions were implemented. However, consultation on the monitoring of implementation *as a whole* has been less satisfactory. Other than the initial efforts reported by the IRM researcher in year one to create a regular multi-stakeholder consultation on OGP, by the end of this action plan cycle, there is still no consultation mechanism on implementation in place. In this regard, Article 7.3 and 7.5 of the action plan, which stated that an IRG should be established and meet on a regular basis, has not come to fruition. Civil society expects that the government will make the establishment of an IRG a priority in the next action plan cycle.

Table 2: Action Plan Consultation Process

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT?
During Implementation	Regular forum for consultation during implementation?	No
	Consultations: Open or Invitation-only?	N/A
	Consultations on IAP2 spectrum?	N/A

PROGRESS IN COMMITMENT IMPLEMENTATION

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at (<http://www.opengovpartnership.org/about/about-irm>). One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the “starred commitment” (★). Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
2. 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.
3. The commitment would have a “transformative” potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of “substantial” or “complete” implementation.

Based on these criteria, at the midterm report, Ireland’s action plan also contained four starred commitments. At the end of term, based on the changes in the level of completion, Ireland’s action plan contained four starred commitments.

Commitments assessed as star commitments in the midterm report can lose their starred status if at the end of the action plan implementation cycle, their completion falls short of substantial or full completion, which would mean they have an overall limited completion at the end of term, per commitment language.

Finally, the graphs 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, see the OGP Explorer at www.opengovpartnership.org/explorer.

ABOUT “DID IT OPEN GOVERNMENT?”

Often, OGP commitments are vaguely worded or not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious, but fail to open government. In an attempt to capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable ‘Did it open government?’ in End-of-Term Reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation. This can be contrasted to the IRM’s “Starred commitments” which describe potential impact.

IRM Researchers assess the “Did it open government?” with regard to each of the OGP values that this commitment is relevant to. It asks, did it stretch the government practice beyond business as usual?

The scale for assessment is as follows:

- Worsened: worsens government openness as a result of the measures taken by commitment.
- Did not change: did not change status quo of government practice.
- Marginal: some change, but minor in terms of its impact over level of openness.
- Major: a step forward for government openness in the relevant policy area, but remains limited in scope or scale
- Outstanding: a reform that has transformed ‘business as usual’ in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes as *implemented* for changes in government openness.

Readers should keep in mind limitations. IRM End-of-Term Reports are prepared only a few months after the implementation cycle is completed. The variable focus on outcomes that can be observed on government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

GENERAL OVERVIEW OF COMMITMENTS

As part of OGP, countries are required to make commitments in a two-year action plan. End of term reports assess an additional metric, 'Did it open government?' The tables below summarize the completion level at the end of term and progress on this metric. Note for commitments that were already complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the "Did it open government" variable. For further details on completed commitments at the midterm please see Ireland's IRM progress report 2014-15.

As a broad overview of Ireland's National Action Plan, there are *three main sections* resulting in 20 commitments, with 10 additional sub-commitments: open data, fostering citizen participation in politics, and rebuilding trust in government by way of increased regulation aimed at both public and private actors. This totaled 30 actions that were assessed individually in this IRM report.

In the first area, there is a commitment about open data and transparency. The main objective in this area is to pursue open data policies, which can be understood as developing policies that will allow any person to freely use, modify, and share government-held data. The second main area of the action plan relates to fostering citizen participation through greater citizen consultation and involvement in politics. The third main area of the action plan was to pursue policies that strengthen governance and accountability, related to rebuilding trust in government, largely by way of robust regulatory initiatives.

Clustering of the actions in Ireland's action plan was done with the view of evaluation of different actions in which there were common synergies, or where there was a similar theme between them. A detailed explanation and justification for the clustering can be found in the IRM's midterm report.

Table 3: Overview: Assessment of Progress by Commitment

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
1.1 Establish best practice standards				X	X	X				X					X					X	
1.2 Establish open data platform				X	X	X	X			X					X					X	
1.3 Carry out audit of key data sets			X		X	X	X			X			X							X	
1.4 Establish a roadmap for Open Data				X	X		X			X					X				X		
1.5 Establish governance structures				X	X	X	X			X					X					X	
1.6 Sign up to G8 Open Data Charter				X	X					X					X				X		
1.7 Implement Open Data		X			X	X	X			X					X				X		
2.2.1 Systematic pre-legislative scrutiny of bills				X	X	X				X					X					X	
2.2.2 Develop and deliver access to environmental information (AIE) training module for public officials				X	X		X	X		X					X					X	

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
2.3 Hold three referenda in 2015				X		X					X				X					X	
3.2 Implement the Code of Practice				X	X		X			X					X					X	
3.3 Fol Reform				X	X		X			X					X					X	
2.5.1 Strategy on young people's participation				X		X				X					X			X			
2.5.2 Maximize participation of young people in civic life			X			X				X			X					X			
1.8 Digital Strategy for School		X			X					X			X					X			
2.1 Revise Government principles on consultation processes			X		X	X	X	X		X					X			X			
2.4.1 Pilot implementation of PPNs			X		X	X				X					X				X		
2.4.2 Legal framework for public participation in local government			X				X			X					X				X		
2.4.3 Feasibility study to enable citizen engagement in local budgetary processes			X		Unclear					X			X					X			

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
2.6.1 Develop ICT Strategy				X	X					X					X				X		
2.6.2 Data Sharing and Governance Bill			X		X					X					X					X	
2.6.3 Public Services Card				X	X					X					X					X	
2.6.4 Single Customer View		X			Unclear					X			Unclear					X			
2.6.5 Local Government Portal			X		X					X					X					X	
2.6.6 New Local Enterprise Office			X		X					X					X					X	
2.7.1 Review citizen complaints procedure		X			X	X				X				X						X	
2.7.2 Enhance customer engagement			X		X	X				X					X					X	
★ 3.1 Ethics Reform				X			X				X				X					X	
★ 3.4 Lobbying Regulation			X		X	X	X				X				X						X
★ 3.5 Whistleblower Duties and Protections			X			X	X				X				X						X

CLUSTER 1: OPEN DATA A (1.1, 1.2, 1.3)

Commitment Text:

Action 1.1 - Establishment of best practice standards for Open Data

Best practice standards for the publication and licensing of Open Data in Ireland will be established and implemented drawing on best practice international standards and covering the following areas: carrying out a reiterative data audit, dataset selection, publishing high quality data, licensing, engaging data users, encouraging data reuse, evaluating impact and identifying options for an appropriate benchmarking system for Open Data. In relation to recommendations on licensing, the transposition of the EU PSI Directive will be used to examine how the PSI licence can be aligned to international standards and definitions for “open” and “re usable” Open Data.

Action 1.2 - Establishment of Ireland’s Open Data Platform

Ireland’s Open Data Platform will be established. The Open Data published on the platform will strive to be compliant with the G8 Open Data Charter, including that the data will be available in open, machine readable formats, with robust and consistent metadata. The Open Data Platform will contain a data catalogue that will allow citizens to search for datasets hosted by public sector bodies. Aligned with international best practices and to maximise the potential for data interoperability, the Open Data Platform will strive to publish 5 star quality data where possible. The Open Data Ireland Platform will also facilitate feedback from citizens, for example enabling citizens to request additional datasets, to provide information about applications for which the data is being utilized, and to provide practical knowledge about usability and quality of data sets. The Open Data Ireland Platform will be continually supported and new features added where necessary, for example, the potential of the platform to host datasets.

Action 1.3 - Undertake an audit of key datasets for publication

An audit will be carried out of datasets available within the public service. On the basis of this audit, looking at international best practice, and in consultation with the general public, the high value data sets that should be prioritized for publication will be determined. This audit will also be an opportunity to ensure that all currently existing data sets are correctly catalogued on the Open Data Platform.

Responsible institution(s): Department of Public Expenditure and Reform (DPER)

Supporting institution(s): Working closely with network of Chief Information Officers in public bodies

Start Date: June 2014

End Date: 30 June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
1.1 Establish best practice standards				X	X	X				X					X					X	
1.2 Establish open data platform				X	X	X	X			X						X				X	
1.3 Carry out audit of key data sets			X		X	X	X			X			X							X	

COMMITMENT AIM

This commitment aims to allow people to freely use, share, modify, and re-use data held by public bodies. Given that such policies had not been previously developed in Ireland, and are highly important in the digital age, they were introduced in the action plan. This set of actions offered solutions regarding the *formulation* of Open Data policies, namely: setting standards on how open data should be reported (Action 1.2); establishing a centralized portal where all available data can be published on the Internet (Action 1.2); and ensuring that government bodies perform an audit on key data sets to be published (Action 1.3).

STATUS

Midterm

1.1: Substantial | 1.2: Complete | 1.3: Limited

Before implementation of its OGP action plan, the government did little to establish best practice standards for open data, an open data platform, or an audit of key databases to be published by the state. After the action plan was adopted, substantial progress was made in the first year, particularly on two fronts. First, the government held consultation with different stakeholders regarding the technical framework that guides open data in Ireland, and an *Open Data Technical Framework* report of June 2015 was published along with a broader strategy on open data, entitled the *Foundation Document for the Development of the Public Service Open Data Strategy*. Second, an open data portal was established in 2014.¹ Also, more government departments' datasets beyond DPER were audited, and publication of more databases was being planned.

End of term

1.1: Complete | 1.2: Complete | 1.3: Complete

In the second year of the action plan, the Open Data Technical Framework was finalized by the Public Bodies Working Group² and offers clearly defined standards for public bodies to ensure their data is published consistently and in a truly open way. This framework was the result of a consultation process in the second year of the action plan. The open data platform was completed in the first year of the action plan, as reported in the IRM midterm report.³ While auditing was always going to be an ongoing and systematic process throughout the life of the Open Data Initiatives over the next years, the evidence suggests that one audit of key databases has already been completed in the second year of the action plan. A tool is now available online for users to log into and add their datasets.⁴ Further progress to push the open data agenda was also seen in November 2015, when the Minister for Public Expenditure and Reform signed statutory regulations to transpose Directive 2013/37/EU on the re-use of Public Sector Information (PSI) into Irish law. These regulations mandated state institutions to establish 'a statutory framework for the re-use by businesses and citizens of existing information held by public sector bodies in new products and services.'⁵

DID IT OPEN GOVERNMENT?

Access to information: Major

Public Accountability: Did not change

The starting point for these commitments was the effective 'non-existence' of an Open Data policy prior to the action plan. A Data Audit Report in 2014, by Insight Centre for Data Analytics, concluded that most of the datasets identified during the data audit were neither associated with an Open License, nor published in machine-readable form or on the web.⁶ These commitments sought to formulate open data policy to maximize the amount of publicly available data and ensure the quality of the data met open data standards. With the completion of the open data platform, the audit on key data bases and signing statutory regulations to transpose Directive 2013/37/EU, the IRM researcher finds that a framework has been set in place to open data. The current open data portal includes 4,887 from 97 publishers. The datasets are grouped in 10 themes ranging from health, environment, transport, housing and zoning and others. The portal also has an openness score that assess datasets. Of the 4,887 datasets, most are released in open formats, but there is still a subset of datasets that are not available online, published in pdf and excel or not under open license.⁷ Although the policy is relatively new, with the framework in place and the updated open data platform, the availability and quality of information has significantly improved from 2014. The policy's effects on public accountability, on the other hand, will only be seen as the policy rolls out.

CARRIED FORWARD?

Ireland carried this commitment forward into the next action plan. Under Commitment 11 (Develop an Open Data Strategy 2017-2020) and 12 (Invest in Data Infrastructure that will result in better Open Data) of the new action plan, the government seeks to improve access to information and strengthen transparency by scaling up the volume and quality of open data available. Additionally, it intends to strengthen the quality and quantity of potential open datasets by investing in data systems, people, standards, unique identifiers and processes.

¹ Accessible here: bit.ly/1ZN9EHE (last accessed September 9, 2015)

² See: <https://data.gov.ie/technical-framework> (last accessed September 18, 2016)

³ https://www.opengovpartnership.org/sites/default/files/Ireland_2014-15_Final.pdf

⁴ See <http://audit.data.gov.ie> (last accessed September 18, 2016)

⁵ Quote taken from: <http://www.per.gov.ie/en/licence-for-re-use-of-public-sector-information/>

⁶ <file:///Users/denisseiranda/Downloads/Data-Audit-Report.pdf>

⁷ Open Data Portal available here: <https://data.gov.ie/data/search>

CLUSTER 1: OPEN DATA B (1.4, 1.5, 1.6, 1.7)

Commitment Text:

Action 1.4 - Establish a roadmap for the Open Data and an evaluation framework to provide assessment of the ongoing Open Data.

The roadmap will outline steps for the development of Open Data in Ireland over the next three years. The evaluation framework will set out quantitative and qualitative criteria to be met by the project at quarterly milestones over the next three years.

The evaluation framework will include a progress assessment done regularly comparing G8 Open Data recommendations versus where we are at in Ireland and also bench marking to best international practice.

Action 1.5 - Establishment of an Open Data Ireland Governance Board (ODIGB) and Steering and Implementation Group (SIG) for Open Data Ireland.

These two bodies will be established by the Minister for Public Expenditure and Reform to ensure that a comprehensive governance and oversight and implementation framework is in place in Ireland for the future development of Open Data in line with the road map and evaluation framework outlined in Action 1.4.

The ODIGB will be responsible for developing a strategy for Open Data in Ireland for approval by Government; and for agreeing to the detailed implementation plan drawing on the roadmap (set out at Action 1.4 above) developed by the SIG for implementing that strategy. The members of the ODIGB will be appointed by the Minister of Public Expenditure and Reform, following the selection procedures set out at www.per.gov.ie/appointments-state-boards. The membership of the ODIGB will be drawn from key stakeholder groups for Open Data in Ireland including civil society. The individual members of the Board will be selected by the Minister for Public Expenditure and Reform on the basis of their demonstrated capacity and skills, expertise and experience to oversee the development of a national strategy for Open Data and a plan for the implementation of the strategy. The SIG will be responsible for achieving the objectives set out in the strategy through the development and implementation of the implementation plan reporting to the ODIGB. The SIG will include representatives from public bodies, industry, academia, and civil society organisations who can drive the implementation of a national strategy for Open Data in Ireland. The final Terms of Reference for the ODIGB and the SIG will be determined by the Minister following an open public consultation.

Action 1.6 - Signing up to the G8 Open Data Charter

Ireland will sign up to the G8 Open Data Charter and will formulate and implement a plan for the release of the high value data sets taking account of the Charter's Annex within a 2 year timeframe. The plan will form part of the roadmap for the Open Data strategy (Action 1.4).

Action 1.7 - Implementing Open Data

A detailed implementation plan will be developed by the SIG, informed by, for example, the Roadmap and setting out key deliverables and timelines to implement the Open Data strategy.

Responsible institution(s): Department of Public Expenditure and Reform (DPER)

Supporting institution(s): Chief Information Officers in Public Bodies

Start Date: June 2014

End Date: 30 June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
1.4 Establish a roadmap for Open Data				X	X		X			X					X				X		
1.5 Open Data Ireland Governance Board				X	X	X	X			X					X					X	
1.6 G8 Open Data Charter				X	X					X					X				X		
1.7 Implement Open Data		X			X	X	X			X					X				X		

COMMITMENT AIM

The previous cluster of commitments aimed at the *formulation* of a strategy on open data, particularly with a technical framework and developing a centralized portal. Complimentary to the previous actions, the main objective of this cluster is to ensure an effective *implementation* of open data actions. The starting point before the action plan was the lack of institutional structures to oversee the implementation of the (non-existent) policy. As such, the solution provided for in these actions is to set out a roadmap for implementation and outlining the institutional structures to oversee the roadmap.

STATUS

Midterm

1.4: Substantial | 1.5: Substantial | 1.6: Substantial | 1.7: Substantial

Before the OGP action plan, the government did little to establish objectives for the implementation of the Open Data policy, and little was done to establish the governance structures. After the action plan was adopted, a roadmap was completed in 2014. Some of the governance structures (particularly the SIG, which has been renamed the Public Bodies Working Group, PBWG) were attained, although the naming of the ODIGB was in process during year one of the action plan, as was full implementation of the G8 Charter.

End of term

1.4: Complete | 1.5: Complete | 1.6: Complete | 1.7: Complete

By the end of the second year of the action plan, the government completed a roadmap with the main objective to outline steps for open data development over the next three years. Most importantly, in terms of governance structures, an Open Data Governance Board is now established and operational, after the government advertised an open call for applications to be part of it, which subsequently selected the members after interviews with candidates.¹ This board holds a significant position because it is empowered to 'join up open data initiatives from central government offices, agencies and local authorities in a coherent and cohesive way... (as well as considering) various communication forums and use of visualisation tools to encourage and support public bodies in publishing open data as well as promoting usage by developers and the wider community,' therefore helping drive future government policy in this area.² Desk research by the IRM researcher confirms that the ODGB includes members from CSOs, business, and academia.³ Considering that the PBWG did not consist of any actors from outside the state (as discussed in the midterm report), this plurality of composition in the ODGB represents a significant step forward in terms of attaining institutional structures that are representative of a plethora of stakeholders, for which the government should be commended. The Board first met on 25 November 2015 (and is scheduled to meet every two months) and consists of stakeholders from NGOs (such as Open Knowledge Ireland), private companies (such as LinkedIn and EY), and academics. First actions of the Board included outlining key priorities such as identifying high value datasets by users.⁴ With regard to adopting the principles of the G8 Charter, public consultation took place early in year 2 of the action plan, and the government said in its end of term assessment that the ODGB is finalizing its work on this, taking account of said public comments.

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Civic participation: Major

Public accountability: Did not change

Given that the implementation phase of Open Data is relatively new, having only started in the last two years with these commitments, its effect on opening government has been marginal. This is because only the preparatory stages of an open data strategy and governance structures have been pursued, and it is still too early to gauge if these actions will ensure mechanisms for full access to information. Nevertheless, there is some indication that this may be fully achieved in the future, given that the ODGB (which contains key actors from CSOs that have been actively involved in the group since its inception) has committed to identify and prioritize high value data sets, and publish a road map for the release of data.⁵ In terms of civic participation, the incorporation of non-governmental stakeholders in the governance board— as seen in the ODGB, which is overseeing the overall open data process – has ensured a new space for citizen participation in open data policies. As for public accountability, it is too early to tell if the open data roadmap and ODGB will set out mechanisms for citizens to hold public officials accountable.

CARRIED FORWARD?

These actions were not carried forward into the next action plan.

¹See Open Data roadmap file:///Users/denissemiranda/Downloads/Roadmap.pdf

²On the inaugural meeting of the ODGB, and from which the line quoted in this sentence is taken, please see: <https://data.gov.ie/content/inaugural-meeting-open-data-governance-board-ireland>

³See: <http://www.per.gov.ie/en/open-data-governance-board/> (last accessed September 18, 2016)

⁴For membership of the OGDG, please see: <http://www.per.gov.ie/en/open-data-governance-board/>.

⁵For membership of the OGDG, please see: <http://www.per.gov.ie/en/open-data-governance-board/>.

CLUSTER 2: CITIZEN PARTICIPATION (2.2.1, 2.2.2, ★2.3)

Commitment Text:

Action 2.2.1 – Undertake public engagement early in the legislative process

For increased citizen participation at Committee level in the legislative process through **systematic pre-legislative scrutiny of draft Bills** will provide greater opportunities for engagement by the public in law making. At the pre-legislative stage, the Committee can consult with citizens, civic society groups and other interested groups;

Action 2.2.2 (A) and (B) – Build capacity of public bodies to provide Access to Information on the Environment under the Aarhus Convention

Development and delivery of a training module to train staff in **public bodies** on **access to environmental information** as provided for in the Aarhus Convention. This module will cover both responding to AIE requests and proactive dissemination of environmental information. It will also provide information on the requirements of both European and national implementing legislation and on case law. In parallel it is proposed to create a database which will record requests for information under AIE regulations, including statistics on number of requests granted, refused or partially refused. This database will provide a basis for analysis of requests similar to that which is in place for FoI;

Action 2.3 – Hold Referenda arising from the recommendation of the Constitutional Convention

Arising from the recommendations of the Constitutional Convention, the Government has so far committed to **holding three referenda** in 2015 in relation to: reduce the age of candidacy for Presidential elections, reducing voting age, same sex marriage.

Responsible institution(s):

Action 2.2.1: Houses of the Oireachtas

Action 2.2.2: DEC&LG Department of Environment, Community and Local Government (DEC&LG)

Action 2.3: Department of Environment, Community and Local Government (DEC&LG) and DJ&E Department of Justice and Equality (DJ&E)

Supporting institution(s):

Action 2.2.2: Environment Pillar, Environmental Law Implementation Group (ELIG)

Start Date: 1 July 2014

End Date: December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
2.2.1 Systematic pre-legislative scrutiny of bills				X	X	X				X						X				X	
2.2.2 Develop and deliver access to environmental information (AIE) training module for public officials				X	X		X	X		X						X					X
★ 2.3 Hold three referenda in 2015				X		X					X					X					X

Editorial note: Action 2.3 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.

COMMITMENT AIM

The broad theme of these actions related to fostering citizen participation in legislative decision making, increasing public integrity, and promoting the culture of transparency and accountability. These objectives were to be achieved in three ways. First, Action 2.2.1 introduced the procedure of pre-legislative scrutiny, which allows individuals, CSOs, and interest groups to participate via consultation in decision making early in the legislative process, something that was not possible before the action plan. Second, under the Aarhus Convention, Action 2.2.2 implements a database to record the requests for information on the environment. This commitment represents a new fundamental step towards the access to information for citizens, interest groups, and public bodies at all levels of government. Third, Action 2.3 committed to hold referenda on the recommendations of the Constitutional Convention. As recommended by the Convention, the government committed to holding three referenda in 2015 in relation to marriage equality, reducing the age of candidacy for presidential elections, and reducing the voting age.

STATUS

Midterm

2.2.1: Complete | 2.2.2 (A&B): Substantial | 2.3 (🔄): Substantial

As discussed in the IRM midterm report, before the action plan, the actions were pre-existing policies on the government's agenda. For example, Parliament expanded and formalized the pre-legislative consultation phase of legislation in November 2013. After the action plan was adopted, it opened the debate around active citizenship. From the development of the action plan in 2014 several goals were achieved in the first year of the action plan including, inter alia as discussed in the midterm report which is available online,

- Forty eight bills in total were considered under the pre-legislative consultation, resulting in 43 committee reports. Under this form of consultation, Ministers can have the Heads of a Bill (i.e. the outline of the Bill) reviewed by the appropriate Oireachtas (i.e. parliamentary) committee before the drafting process is completed and the bill published. The review process in the committee can involve hearings with stakeholders or invitations to send submissions. The use of pre-legislative scrutiny via committees is expected to continue on an ongoing basis.
- Collaboration with CSOs (e.g., Environmental Pillar, Environmental Law Implementation Group) in bilateral meetings to discuss the implementation of the Access to Information on the Environmental (AIE) policy. There was also collection of environmental data for 2013. By July 2015, the delivery of training sessions to over 120 civil servants in public bodies at the local and national level of government on the use and relevance of environmental data took place.
- The organization of two referenda were held in May 2015. Action 2.3 has been praised for its deliberative nature, particularly the marriage equality referendum, which gained international media exposure.

As such, Action 2.2.1 was considered complete after the midterm.

END OF TERM

2.2.1: Complete | 2.2.2 (A&B): Substantial | 2.3 (🔄): Substantial

With Action 2.2.1 (establishment of a procedure of systematic pre-legislative scrutiny of draft Bills) completed by the end of year one, attention is now focused on the other two remaining actions. Regarding the training on Access to Environmental Information, incomplete implementation may be due in part to the delays of forming government after elections in February 2016. For example, as seen in the government end of term self-assessment report, 2015 statistics on AEI information requests are still being compiled and will be published soon, and a third training event is being planned for Q4 (i.e. at the end of) 2016. Regarding Action 2.3, at the start of year two, only two of the three referenda outlined in the original action plan have been held. Based on the government's end of term self-assessment report, as well as desk research, this is still the case at the end of year two. Given these observations, both 2.2.2 and 2.3 Actions' progress may be deemed substantial, but not complete.

DID IT OPEN GOVERNMENT?

Access to information: Major (2.2.1 & 2.2.2)

Civic participation: Marginal (2.2.1), Major (2.3)

Public accountability: Did not change (2.2.2)

Regarding opening government:

1. On Action 2.2.1, the procedure of pre-legislative scrutiny is expected to have strong effects on the use of forms of participatory democracy. Although it is difficult to gauge if this will continue to be conducted in the same sustainable manner as it had been up to the change in government, there has been a change to the initial status quo (when pre-legislative scrutiny was absent) as information on 48 bills were considered under pre-legislative consultation. If this trend continues, this may create avenues for increased public participation in the legislative process if all bills go through pre-legislative scrutiny.
2. On Action 2.2.2, the AIE training module is ongoing, and it remains difficult to assess the effects of the policy on public accountability, where one civil society leader said that the training sessions of public bodies could have been more fully promoted to include a larger audience of civil servants. However, the record of information requests has been updated annually and is available online.¹
3. Finally, on Action 2.3, the effect of the action has been transformative. As a form of deliberative democracy, the Constitutional Convention and the referenda have promoted the participation of citizens on constitutional matters. Although no other referenda have taken place, this practice fundamentally changed the precedent of citizen participation in national debates.

CARRIED FORWARD?

These actions have not been carried forward in the next action plan. The IRM researcher concludes that the main challenge of this cluster has been achieving completion of the AIE training modules and information request database. It is recommended that the state ensure the availability of resources (staff and funding) for these tasks to be done.

Additionally, the IRM researcher recommends, that the government hold the remaining referendum that was outlined in the action plan, and consider which other issues may be opened for a referendum in the future.

¹<http://www.housing.gov.ie/search/archived/current/sub-type/aie-logs/type/statistics?query=>

CLUSTER 3: FOI – IMPLEMENTING CODE AND REFORM (3.2, 3.3)

Commitment Text:

Action 3.2 - Strengthening Freedom of Information - Implement the Code of Practice for Freedom of Information (FOI).

The Government will provide and implement a Code of Practice for Freedom of Information to promote best practice in public bodies in relation to the operation of FOI, guiding and informing their performance in relation to their responsibilities under the FOI Act and ensuring FOI requests are dealt with as efficiently as possible to minimise the administrative burden of FOI; and securing appropriate consistency and standardisation of approach in responding to FOI requests. It will provide a framework for appropriate oversight and accountability of the performance of public bodies through monitoring of compliance with the Code and promote the proactive publication of information by public bodies including routine information likely to be in the public interest.

Other actions are: Development and implementation of criteria to establish what information is likely to be in the public interest that should be published proactively in order to identify how more information can be made publicly available as a standard.

Review previous FOI requests and develop from that a model for identifying the information that is frequently requested under FOI as this type of information should be made public outside of the FOI process.

Introduce a “legislative footprint” in relation to current legislative initiatives, published on each Department’s website including details of publication of general schemes, any consultation documents, publications of draft Bills, pre- legislative scrutiny by Oireachtas Committees, submissions received and meetings held with stakeholders, etc.

Action 3.3 - Reform of FOI

A comprehensive reform of Ireland’s Freedom of Information legislation will be implemented through the FOI Bill 2013 and the establishment of a Code of Practice for FOI as referenced above. Key actions in the legislation will include:

Substantial updating/modernisation of the legislation based on international best practice Extension of FOI to all public bodies as a default with limited exceptions as set out in the Bill bringing long- established high profile exclusions from FOI within remit; and to significantly funded bodies to enhance accountability of such bodies.

Removal of the up-front application fee.

Restoration of the main amendments to FOI introduced in 2003 which significantly restricted and curtailed the scope of Ireland’s FOI regime. This includes reversal of the very wide definition of Government introduced in 2003, restoration of the strict definition of what constitutes a Cabinet record, communications between members of Government will no longer be exempt from FOI; restoration to the original five years of the ten- year prohibition on the release of Cabinet records; provision for some liberalisation of the mandatory “class” exemption put in place in 2003 in relation to diplomatic communications and defence matters; where a commercial state body provides a service under a 31 contract to a public body subject to FOI, the records relating to that service will be subject to FOI etc.

Requirement by public bodies to prepare and furnish publication schemes to promote the proactive publication of information outside of FOI. A public body’s publication scheme will set out information on its role, responsibilities and activities including organisation charts, structure, contact points and for each Divisional area

information relating to role and functions; classes of records held (e.g. publications, legislation, consultation procedures and processes, speeches etc); circulars/guidance/procedures/rules for the purposes of decisions relating to any scheme implemented (e.g. involving grants) with respect to rights, obligations, sanctions etc. to which the public is or may be entitled; or services provided including how such services may be accessed; rights of review or appeal in respect of decisions made by the body; FOI Disclosure logs on non-personal requests; Provision of a number of key principles to guide public bodies in the performance of their functions under the Act to achieve greater openness and strengthen accountability.

Extensions of the functions/powers of the Information Commissioner, provisions to ensure that FOI requests relating to information held electronically are dealt with effectively; etc.

Confirmation that there is a general right of access to records held by public bodies and in applying exemptions, the right of access should only be set aside where the exemptions very clearly support a refusal of access.

Responsible institution(s): Department of Public Expenditure and Reform (DPER)

Supporting institution(s): All public bodies and Office of the Attorney General

Start Date: August 2014

End Date: July 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding	
3.2 Implement the Code of Practice				X	X	X				X					X						X	
3.3 FoI Reform				X	X	X				X					X						X	

COMMITMENT AIM

In terms of policy area, FoI legislation promises that open access to governmental information should increase transparency in the policy-making process. With this in mind, and in order to strengthen the functioning of the Freedom of Information Act of 1997, these two commitments had the following aims. First, Action 3.2 seeks to provide and implement a “Code of Practice” for FoI, promoting best practice in public bodies in the FoI’s operation, including proactively publishing information that is deemed in the public interest. Action 3.3 has as its main goals to reform the FoI and effectively make it easier (and less costly) for citizens to make requests. In this regard, the action explicitly states that there will be a removal of the up-front application fee.

STATUS

Midterm: Substantial

Before OGP, FoI legislation existed in Ireland since 1997, but reform to the pre-existing legislation took place shortly after the new government came to power in 2011. In June 2013, an external group which had civil society members and a working group of public bodies reviewed FoI implementation. During the process of negotiating the action plan, FoI issues (particularly relating to the fees) were raised in consultation with civil society and became a focal point. The new FoI Act came into force in the first year of the action plan in October 2014, and was published with the FoI Code of Practice,¹ reflecting the substantial progress that was made. Further details can be found in the IRM progress report.

End of term: Complete

Both Actions 3.2 and 3.3 have been completed in year two of the action plan, as reflected in the government’s end of term self assessment report. For example, as also verified in desk research, the implementation of the code has been completed in significant areas, such as the establishment of a single FoI Training Framework that allows public bodies access to trainers, and a Model Publication Scheme and associated guidance which provides for proactive publication by FoI bodies was developed and launched in October 2015.² Guidelines for the introduction of a legislative footprint, as per Action 3.2, have also been reflected in a separate document which was published in November 2016.³ The up-front application fee of €15 was abolished.

DID IT OPEN GOVERNMENT?

Access to information: Major

Public accountability: Marginal

Prior to these actions, many believed the state apparatus functioned opaquely, particularly throughout the economic crisis in the 2000s.⁴ In the outset of the action plan implementation, the expectation for this action was that it would potentially increase the ease with which people can access information and transparency in the policy process. The new regulations would allow for a clearer picture of what goes on in the state. As implemented, it has had a major change to government practice in terms of access to information. Currently, the code of practice is in place, the fees on information requests have been removed, and the government has standardized the guidance on how to publish information. Regarding public accountability, the commitment’s implementation has not enabled or improved opportunities for citizens to hold government officials accountable. However, the framework does provide the foundation to do so, and therefore its change on government practice is marginal.

CARRIED FORWARD?

This commitment was not carried forward into the next action plan. However, as explained in detail in the IRM progress report, the government may consider the following action for the next action plan regarding further reforms for the FoI:

- Set up an independent working group that examines the costs and benefits of the strengthened FoI program.

¹For both documents, see bit.ly/1TdJ84Y and bit.ly/1SC6HVL (last accessed September 9, 2015)

²The Model Publication Scheme can be found on: www.per.gov.ie/wp-content/uploads/Model-Publication-Scheme-October-2015.docx

³See: www.per.gov.ie/wp-content/uploads/Consultation-Principles-Guidance.pdf (page 13) The reader will note that this document also outlines consultation principles as per Action 2.1 as discussed below in this report (i.e. Section 6. Action 2.1: Revise Government Principles on Consultation Processes)

⁴See Kitchen R, C'O'Callaghan, M.Boyle, and J. Gleeson, Placing neoliberalism: the rise and fall of Ireland's Celtic Tiger', *Environment and Planning A*, 2012, volume 44, pages 1302 – 1326

CLUSTER 4: SUPPORT YOUTH AS CITIZENS AND SCHOOL STRATEGIES (2.5.1, 2.5.2, 1.8)

Commitment Text:

Action 2.5.1 - National Strategy on Children and Young People's Participation in Decision-making

This 'National Strategy on Children and Young People's Participation in Decision-making (2014- 2020) will seek to ensure children and young people have a voice in decisions that affect their lives. It

will include: Appropriate participation by children and young people in decision-making in the preparation of Statements of Strategy of all Government Departments and appropriate consultation with them in the development of policy and legislation. The establishment of a DCYA Children and Young People's Participation Hub to become a national center of excellence on children and young people's participation in decision-making. The Hub will provide information, guidance and support to Departments and agencies delivering commitments outlined in the Strategy action plan. It will also champion and promote participation, create resources and training materials, conduct training, document and disseminate learning and establish an online children's participation database. The Hub will also partner with third level and adult education institutions to oversee development of education on children's rights (including participation in decision-making) for professionals who work with and on behalf of children and young people. The role and capacity of Comhairle na nÓg will be enhanced through the development and implementation of a Five-Year Comhairle na nÓg Development Plan, aligned to Local Government structures and policies. The Five-Year Development Plan will address mechanisms for inclusion of the children under the age of 12 and of children and young people who are seldom heard. The development of guidance and training for Children Services Committees on engaging children and young people in decision-making. The development of a Toolkit on involving seldom heard children and young people in decision-making;

Action 2.5.2 - Maximize participation and understanding of young people in civic life

Encourage schools to explore how the new Junior Cycle can be delivered across the curriculum in terms of the 24 Statements of Learning identifying what students should know, understand and value by the end of the three-year cycle, including that students should "value what it means to be an active citizen, with rights and responsibilities in local and wider contexts", in addition to any provision that they may make for Civic Social and Political Education (CSPE). Ensure Politics and Society will be implemented as a Senior Cycle subject;

Action 1.8 - Digital strategy for schools

In the context of the development of the Digital Strategy for Schools the new policy challenges and opportunities arising from major developments in curricular reform, digital publishing, digital content dissemination tools generally, cloud services, portable computing and student devices, and the deployment of high speed broadband at post-primary level will be addressed.

Responsible institution(s): Department of Education and Science

Supporting institution(s):

Action 2.5.1: Department of Education and Skills, Department of Environment, Community and Local Government, Department of Health, Department of Transport, Tourism and Sport, Education and Training Boards, Health Information and Quality Authority, Health Service Executive, Housing Authorities, HSE, Mental Health Services, Local Authorities, Local Government Management Authority, Mental Health Commission, National Council for Special Education, National Educational Psychological Service, National Transport Authority, The Teaching Council, Tusla – Child and Family Agency, Children and Young People's Services Committees,

Children’s Mental Health Coalition, Comhairle na nÓg, Drug and Alcohol Task Forces, Empowering People in Care (EPIC), Family Mediation Service, Headstrong Youth Advisory Panel, Healthy Ireland Council, Legal Aid Board, Local Community Development Committee, Rural Transport Network, Sports Partnerships, The National Forum for the Enhancement of Teaching and Learning

Action 2.5.2: None specified

Action 1.8: Department of Education and Skills Support Services (Professional Development Service for Teachers (PDST), Junior Cycle Team (JCT), National Induction Programme for Teachers (NIPT), Project Maths Development Team (PMDT), Special Education Support Service (SESS), and the National Behaviour Support Service (NBSS), National Council for Curriculum and Assessment (NCCA), Teaching Council, State Exams Commission (SEC), Inclusion Support Service (ISS), National Educational Psychological Services (NEPS) Initial Teacher Education Providers, Education Centres, HEAnet, Office of Government Procurement (OGP), Schools Procurement Unit, schools, Teachers and Students

Start Date: June 2014

End Date: June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
2.5.1 Strategy on young people’s participation				X	X						X					X		X			
2.5.2 Maximize participation of young people in civic life			X		X						X		X					X			
1.8 Digital Strategy for School		X			X						X		X					X			

COMMITMENT AIM

These actions seek to encourage further youth participation in the decision-making process. This is achieved in three ways. Action 2.5.1 raises awareness of local governments and professionals on how to include children and young people in decision making.¹ The strategy also recommends creating a participation hub to train locals on how to include children and young people.

Action 2.5.2 seeks to develop the understanding of active citizen involvement, and of technology-related citizenship activities. This is achieved by introducing the modules of politics, civil society, and wellbeing, which represent the core area of learning. Also, schools will be able to participate in various civic projects on the promotion of active citizenship. Action 1.8 aims to realize the potential of digital technologies to enhance teaching, learning and assessment so that Ireland's young people become engaged thinkers, active learners, knowledge constructors, and global citizens that participate fully in society and the economy.

STATUS

Midterm

2.5.1: Complete | 2.5.2: Limited | 1.8: Limited

Before the OGP action plan, the actions were pre-existing policies. The policies were unrelated and under the lead of different departments. As such, the projects were all abandoned between 2010 and 2011. *After the action plan was adopted*, it opened the debate around the participation of children and young people in decision making at the local level. OGP led the Department of Education and Skills (DES) and the Department of Children and Youth Affairs (DCYA) to develop a comprehensive action plan for the achievement of this goal.

From the development of the action plan in 2014, the following goals were achieved as stated in interviews with government officials and reported in the midterm report:

- Action 2.5.1: the completion of the strategy on youth participation in decision making. The strategy involves an action plan on its implementation and material (on paper and online) aimed at promoting the strategy.
- Action 2.5.2: the completion of the syllabus for Politics and Civic Society. The module is entering a pilot stage from September 2015. The voluntary participation of schools to citizenship activities such as Proclamation Day, to coincide with the 1916 centenary.²

End of term

2.5.1: Complete | 2.5.2: Limited | 1.8: Limited

Action 2.5.1 was completed in year one of the action plan and further details can be found in the IRM progress report. In the second year of the action plan, and as stated in the government's end of term report, the Digital Strategy was launched in October 2015.³ Subsequently, an implementation Steering Group, tasked to 'provide advice, monitor and report on the effective implementation of the Digital Strategy', met in early July 2016.⁴ While the government has made a firm commitment to introduce classes on Politics and Society, work continues around issues regarding teacher qualification and assessment. Given these observations, it can be concluded that, while progress has been made in year two of the action plan, both Actions 1.8 and 2.5.2 remain limited in completion.

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Did not change

In terms of policy area, these actions were intended to enable greater participation amongst youth and children in the decision-making process. However, considering the developments over the two-year action plan cycle in terms of opening government, the status quo remains. To be fair, with the completion of 2.5.1, a strategy was developed regarding young people's participation in decision making. This signals potential for change if the strategies are acted on over the next year. This may allow for increased participation. But this, coupled with only limited completion of Actions 2.5.2 and 1.8 suggests that there has been no change, and that the strategies have yet to be rolled out.

CARRIED FORWARD?

These actions were partially carried forward into the next action plan. Following Action 2.5.1, Commitment 4 of the new action plan (Enhance Citizen Engagement in Policy Making) states as a milestone that the government will establish a Children and Young People's Participation Hub to serve as a national center for the participation of children and young people. A strategy and roadmap for increasing participation has been established and can serve as a foundation to implement commitments similar to Actions 2.5.2 and 1.8.

¹ See related documents on bit.ly/1NAODcn (last accessed September 24, 2015).

² See bit.ly/1RE3Ew1 (last access September 24, 2015)

³ This strategy can be found on: <https://www.education.ie/en/Publications/Policy-Reports/Digital-Strategy-for-Schools-2015-2020.pdf>

⁴ On the Terms of reference (i.e. full tasks) of the Steering group, and from which quote in this line is taken, please see: <https://www.education.ie/en/Schools-Colleges/Information/Information-Communications-Technology-ICT-in-Schools/Digital-Strategy-for-Schools/Steering-Group-Terms-of-Reference-and-Membership.pdf>. The inaugural meeting of the Steering group was announced on: <http://www.education.ie/en/Schools-Colleges/Information/Information-Communications-Technology-ICT-in-Schools/Digital-Strategy-for-Schools/>

2.1: REVISE GOVERNMENT PRINCIPLES ON CONSULTATION PROCESSES

Commitment Text:

Action 2.1- Review national and international practice to develop revised principles/code for public engagement/consultation with citizens, civil society and others by public bodies.

This action allows for a thorough review of the guidelines and principles for consultation and engagement with the public in relation to policy development and decision making. It is intended that proposals would be developed to foster greater citizen involvement and participation. In seeking to develop updated and improved regulations, principles and procedures on public consultation, best international practice as set out by the OECD and the Council of Europe would be taken into account. Areas for examination could include knowledge sharing on best practice, how engagement can be facilitated through the use of technology including, but not limited to, Open Data and social media, and measures for the monitoring and conduct of public consultation.

Responsible institution(s): Department of Public Expenditure and Reform (DPER)

Supporting institution(s): All public bodies involved in the delivery of the commitments

Start Date: 1 August 2014

End Date: December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X	X	X			X					X		X				

COMMITMENT AIM

This commitment seeks to review both national and international citizen participation practices to improve the procedures for consultations with stakeholders and citizens when public policy is made. The expectation was that clearer guidelines for consultation would help improve the ability for citizens to add input in public policy, thereby increasing participation and transparency in government. The principles and procedures for consultation were expected to serve as a guideline and to inform engagement by government departments and all public bodies to allow for greater citizen influence in areas where policy is made.

STATUS

Midterm: Substantial

After the action plan was adopted, Action 2.1 set the basis for a complete review of guidelines and principles for consultation processes. The review also made suggestions on how to better engage with citizens during said process by constructing a central repository for all public consultations, which will automatically notify citizens about consultations in areas where they have a registered interest. The “Draft Consultation Principles/Guidance for Public Consultations” was subsequently published in year one of action plan in July 2015.¹

End of term: Complete

As reported by the government in its end of term self assessment report, in year two of the action plan a public consultation process of the draft guidance document was held in October 2015. The public consultation was open to all and received several submissions over a period of 10 weeks. The government, in turn, considered these submissions in finalizing the document. The government approved the updated consultation document in September 2016 and published it in November 2016 (full details can be found in this footnote).² Examples of principles established to ministries include targeted consultation with those with a clear interest in the policy, and ensuring that consultation takes place with all stakeholders in the different stages of the policy-making process from formulation to implementation. The delay from the original expected completion date originated in the forming of a new government after the general elections earlier in the year. The action can therefore be deemed completed.

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Did not change

Public participation: Did not change

This action addressed the need to develop guidelines on public consultation, absent from extant regulations. The action’s potential impact was expected to be moderate. Even though the guidelines developed may serve as a foundation for all departments and public bodies to better implement a consultation strategy when public policy is made in their respective policy area, it remains limited in scope because each must still independently roll out all the guidelines. In other words, each ministry/body can do what they want, given the absence of a strong, centralized policy requiring them to pursue consultation within a specified time period. As the guidelines have yet to be adopted given delays in forming government (see above section), at this stage the status quo remains.

CARRIED FORWARD?

This commitment was not carried forward into the next action plan.

¹On the Draft Document, see bit.ly/1RZQxGe (link to Guidelines, top of page).

²See: www.per.gov.ie/wp-content/uploads/Consultation-Principles-Guidance.pdf

2.4: CITIZEN PARTICIPATION IN LOCAL GOVERNMENTS (2.4.1, 2.4.2, 2.4.3)

Commitment Text:

Action 2.4.1 – Pilot Approach to Implementation of Public Participation Networks

The Report of the Working Group on Citizen Engagement with Local Government proposes that a “Public Participation Network (PPN)” be developed in each local authority area (engaging in and within municipal districts and at the County/City level) to enable the public to take an active formal role in relevant policy making and oversight activities of the Local Authority. PPN structures will be put in place across local government during 2014;

Action 2.4.2 – Provide legal base for public participation framework in local government

Regulations will be made and guidelines will be issued by the Department of the Environment, Community and Local Government to provide for the adoption by each local authority of a framework for public participation, which will enable local authorities to take all appropriate steps to consult with and promote effective participation of local communities in local government;

Action 2.4.3 – Undertake a feasibility study on possible means of enabling further citizen engagement in local authority budgetary process:

Recognizing that the elected members of a local authority have direct responsibility in law for all reserved functions of the authority, which includes adopting the annual budget, request the Members’ Association and the County and City Managers’ Association to undertake a feasibility study in 2015, in consultation with key stakeholders, on possible means of enabling further citizen engagement in the local authority budgetary processes.

Responsible institution(s): Department of Environment, Community and Local Government

Supporting institution(s):

Action 2.4.1: Community and Voluntary Group (not specific)

Action 2.4.2: Local authorities (not specific)

Action 2.4.3: The Members’ Association and the County and City Managers’ Association

Start Date: 1 July 2014

End Date: 31 December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?						
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding		
															Substantial	Complete							
2.4.1 Pilot implementation of PPNs			X		X	X					X												
2.4.2 Legal framework for public participation in local government			X				X				X					X							
2.4.3 Feasibility study to enable citizen engagement in local budgetary processes			X		Unclear								X										
													X					X					

COMMITMENT AIM

This commitment seeks to promote civic participation in decision making at the local level. This is particularly important in Ireland where 40% of the population live in rural areas, making local government significant to the everyday lives of many citizens.¹ To promote participation at the local level, Action 2.4.1 seeks to introduce Public Participation Networks (PPNs). According to the Working Group Report on Citizen Engagement with Local Government, the PPNs aim to help the public take an active role in the policy-making and oversight activities of the Local Authority's areas of responsibility.² Hence the commitment seeks to set in place the civil society structures at the local level that allow CSOs and voluntary organizations (VOs) the opportunity to participate in the PPNs. Action 2.4.2 is aimed at producing regulation that would formally adopt PPNs in all local governments by providing a legal base for public participation in local politics. Action 2.4.3 seeks to bring citizens into the local budgetary processes.

STATUS

Midterm

2.4.1: Complete | 2.4.2: Substantial | 2.4.3: Not started

As reported in the IRM progress report, the pilot stage to implement PPNs was completed in the first year of the action plan. This included PPNs in four Local Authority Areas: Galway, Tipperary, South Dublin and Carlow, reflecting that substantial effort was made on providing the legal basis for PPN framework in local government. Nevertheless, the feasibility study on means of enabling citizen engagement in local authority budgetary processes was not started in the first year.

End of term

2.4.1: Complete | 2.4.2: Substantial | 2.4.3: Not started

Pilot implementation of the PPNs (Action 2.4.1) was completed in year one of the action plan and since then, PPNs have been rolled out in all local authority areas. The Department of the Environment, Community and Local Government announced a funding mechanism to support the PPN.³ With regard to the legal framework for public participation at the local level (Action 2.4.2), the government's end of term report states that steps remain to be implemented, including making a firm set of regulation on PPNs and setting up an oversight group to monitor implementation and securing resources to ensure effectiveness of said implementation. Local authorities, in this regard, have been in communication with all potential stakeholders to increase awareness of joining PPNs.⁴ In May 2016, the Department of the Environment, Community and Local Government released a PPN User Guide⁵ and a publication of Frequently Asked Questions⁶ to support implementation of the PPN. Nevertheless, Action 2.4.3 – to perform a study on means of enabling citizen engagement in budgetary processes - had still not been started at the end of year two of the action plan. The government has nevertheless indicated in its end of term report that it is in the process of doing so.

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Marginal

Public accountability: Did not change

PPNs are in their initial phase and their effect on policy making is still unknown. Therefore, it is difficult to conclude that Actions 2.4.1 and 2.4.2 have had more than a marginal effect on opening government practices. So far, the government has taken basic steps to support the PPNs like allocating funds and creating guidelines. According to the guidelines, Local Authorities can engage PPNs to seek feedback, input and participation in decision making on policies. PPNs function as the only source where Local Authorities must select "All environmental, social inclusion, community and voluntary representatives on their Boards and Committees." The guidelines also indicate that eligibility to participate in PPNs is determined by requirements such as registration, physical address and more established governance structures. Experts Arceneaux and Butler, in their article for Public Administration Review Journal argue that even though local government committees that allow citizens to provide input may offer a valuable tool for policy makers, "they suffer from low participation and tend to underrepresent economically disadvantaged citizens."⁷

Considering the concerns raised by experts on underrepresentation and the current guidelines, the current roll out of PPNs, if not appropriately supported with resources and guidance, might compromise their integrity by favoring more structured CSOs possibly excluding informal volunteer groups. Also, it may slow down decision-making process while PPNs adopt said guidelines and regularization requirements to operate.

It should be noted that the OGP value reference for 2.4.3 is unclear, as also reported in the IRM midterm report; moreover, because it does not prescribe any real legislative change with a law and has not even got off the ground, one can conclude that Action 2.4.3 has not changed government practice toward access to information, civic participation or public accountability.

CARRIED FORWARD?

Commitment 7 of the Irish Government's new action plan for 2016-18 seeks to perform a 'feasibility study (that will inform and guide the next steps on how further citizen engagement in local authority budgetary processes can be facilitated,' which is like Action 2.4.3 on National Action Plan 2014-16. Further, building on Action 2.4.1 of this action plan, Commitment 2 of the new 2016-18 plan seeks to establish a fully representative PPN advisory group to support the development of PPNs. Considering the lack of progress throughout the last two years, the IRM researcher recommends continuing with this initiative.

¹For a link to World Bank data on the rural population of Ireland, see bit.ly/1nrOnT0 (last accessed September 24, 2015)

²Working Group Report on Citizen Engagement with Local Governments <http://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/Community/CommunityVoluntarySupports/FileDownload%2C36779%2Cen.pdf>

³<http://communityworkireland.ie/wp-content/uploads/2015/09/CWC-Update-July-2015.pdf>

⁴For more detailed information on how PPNs work, please see bit.ly/1PuHfv0

⁵PPN User Guide <https://www.socialjustice.ie/sites/default/files/attach/civil-society-article/4398/ppnuserguidev1may16.pdf>

⁶PPN FAQ <https://www.clarecoco.ie/community/information-for-residents/community-contacts/public-participation-network/ppn-frequently-asked-questions-20279.pdf>

⁷Arcenaux K and D. Butler, 2016. How Not to Increase Participation in Local Government: The Advantages of Experiments When Testing Policy Interventions. *Public Administration Review*, Vol 76.1, January, page 131

2.6: CUSTOMER IMPROVEMENTS TO BE IMPLEMENTED FOR CITIZENS THROUGH TECHNOLOGY (2.6.1, 2.6.2, 2.6.3, 2.6.4, 2.6.5, 2.6.6)

Commitment Text:

Action 2.6 – Customer improvements to be implemented for citizens through technology

A key driver of the Public Service Reform Plan 2014-2016 is to provide better services and outcomes for citizens and service users including:

Development of an ICT Strategy for the Public Service and a Strategic Implementation Plan for the ICT Strategy with a view to achieving a range of improved transactional processes and reducing the administrative burden on citizens. Following collation, analysis and publication of the data on these transactional processes, the 'Top 20' service processes across the public sector will be identified for consideration as to how they can be significantly improved through digitalisation. A new Data Sharing and Governance Bill will be developed to enable the improved delivery of digital transactional services. A number of significant improvements will be made through the new Public Services Card including the incorporation of contactless ticketing chips for travel entitlement and new smart card technology. By the end of May 2014, over 730,000 cards had been issued. It is intended that a cumulative target of three million cards will have been issued by the end of 2016. Further services will be reviewed with a view to providing them through use of the Public Services Card Development of a range of new public service applications based on the Single Customer View. The new Local Government portal localgov.ie has been put in place facilitating one stop shop access for all citizens to all local authority services. New Local Enterprise Offices will be established to provide "first-stop-shops" for the micro-enterprise and small business sector to avail of enterprise support services, other direct business supports and coordinated access to other services for business.

Responsible institution(s): Department of Public Expenditure and Reform (DPER)

Supporting institution(s): All public bodies involved in the delivery of the commitments

Start Date: August 2014

End Date: Q4 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsened	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
2.6.1 Develop ICT Strategy				X	X					X					X				X		
2.6.2 Data Sharing and Governance Bill			X		X					X					X				X		
2.6.3 Public Services Card				X	X					X					X				X		
2.6.4 Single Customer View			X		Unclear					X			Unclear					X			
2.6.5 Local Government Portal			X		X					X					X				X		
2.6.6 New Local Enterprise Office			X		X					X					X				X		

COMMITMENT AIM

Given the six sub-commitments, this action is one of the largest in the plan. It seeks to improve the government services citizens receive through the use of technology. The first sub-commitment promises the development of an ICT strategy to improve transactions and decrease the red tape for citizens when dealing with government. The second is the development of a new Bill on Data Sharing and Governance, whose main objective is to improve data sharing in public service. The third and fourth related initiatives aim to make a number of improvements through a Public Services Card, which would replace other cards such as the free travel pass and social services card. The Public Services Card (PSC) would also establish a Single Customer View (SCV).

SCV is a way to manage customer services, through which service providers can track customer experience, regardless of the communication channel used by the customer to interact with the provider. The SCV is intended to incorporate a range of future customer service applications in the public service. The fifth sub-commitment assures the development of a local government portal to connect citizens with all local government services, including that for making payments. The final sub-commitment establishes Local Enterprise Offices (LEO), which

are complementary online tools that serve as first-stop shops to support small businesses. This initiative can be seen as particularly crucial, given the impact of the financial and economic crisis on small enterprises, which are at the heart of Ireland's economy.

STATUS

Midterm

2.6.1: Substantial | 2.6.2: Substantial | 2.6.3: Substantial | 2.6.4: Unclear | 2.6.5: Substantial | 2.6.6: Substantial

As seen in the IRM midterm report, the main achievements by the end of year one are as follows, with substantial completion of the first five sub-commitments:

- The Public Service Strategy was approved by government and launched in January 2015
- A General Scheme (i.e. a broad outline) of the Data and Sharing and Governance Bill was approved by Cabinet, but the passing of legislation is pending.
- The number of Public Service Cards doubled from levels before the action plan, resulting in over 770,000 new cards being issued after May 2014.
- The Local Government Portal was substantially developed, containing links to several local government services and information.
- There were substantial advancements on Local Enterprise Offices during the action plan's first year, consistent with the strategy to strengthen local business and culture, including €5 million of investment into the over thirty LEOs across Ireland as discussed in the IRM midterm report.

Concerning the Single Customer View, however, the government's one-year self-assessment gave few details on what was achieved in the first year.

END OF TERM

2.6.1: Substantial | 2.6.2: Substantial | 2.6.3: Substantial | 2.6.4: Limited | 2.6.5: Substantial | 2.6.6: Complete

A summary of main achievements during the last year of the action plan, as well as remaining steps if relevant, are as follows:

- Action 2.6.1 on the Public Service ICT strategy was substantially completed. By the second quarter of 2016, as indicated in the government self assessment report, progress included building government networks and the development of a common application for all government departments to foster efficiency. As was publicized in the press, there was also the appointment of a new Government Chief Information Officer (GCIO).¹ Next steps include said GCIO securing future resources to drive the strategy forward, with an end date for the action set for 2020.
- While progress on Action 2.6.2 was made by beginning the legislative process of submitting the General Scheme of the Data Sharing and Governance Bill, the action was not completed in its entirety as of 30 June 2016. The bill still needs to be submitted to the Joint Oireachtas Committee on Finance, Public Expenditure and Reform for pre-legislative scrutiny (predicted for the end of 2016/early 2017) before being drafted as an official bill. Once this is done, the bill will go through the legislative process, where it will be passed by both the lower and upper houses.
- On the Public Service Card (2.6.3), key achievements included deploying an online self-scheduling service to help customers book their own appointments during the third quarter of 2015. As of June 2016, over 2 million

cards have been issued, over 2.5 times the number of cards since the IRM midterm report. Ongoing steps include considering further services for the cards.

- (2.6.5) On the Local Government Portal, since the progress report, it has been further developed. The site is still a work in progress as more services are included in the catalog, and other local government initiatives such as FixYourStreet, MyPlan, CheckTheRegister still need to be integrated.² According to the government's end of term report, next steps include adding services to process Fire Certificates and Disability Permits.
- To complement the services of the 30 LEOs established during the first year of the action plan, the government established a new LEO gateway and SME (small and medium enterprises) online tool for small and medium size enterprises,³ thereby deeming Action 2.6.6 complete.

Regarding the Single Customer View (SCV) (2.6.4), the government self assessment says this action is complete. However, the full range of services and applications to be developed based on the SCV is not entirely clear, nor is it clear how the SCV approach 'is in use and being trailed within Public Service Bodies. The IRM researcher was unable to verify substantial progress during the implementation period through desk research or through a URL dedicated to the SCV identified. The government provided further clarification on this commitment stating that the SCV is meant to be a single view of Public Service Identity (PSI) data from across the Public Service. According to the government work has continued after the end of the action plan's implementation period. Currently it allows:

- Public agencies to verify elements of the PSI dataset (verifying Personal Public Service Numbers (PPSN), Name, Date of Birth, Address etc. in real-time as they are collected).
- Running of reports comparing (and sharing) datasets between public bodies, leading to improvements in the quality of data held by public bodies.

The government clarified that services on the SCV are available to public bodies only, and access is restricted to these bodies. The SCV is currently deployed and live within a number of public bodies supporting identification verification and quality control. Additionally, due to the internal nature of the SCV, the researcher confirmed the action's unclear relevance to OGP values.

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Civic participation: Did not change

Public accountability: Did not change

Taking all the actions (save the SCV) together, five of the six sub-commitments had a moderate potential impact: the ICT Strategy, the Bill on Data Sharing, the changes to the Public Services Card, the Local Government Portal, and the establishment and enhanced functioning of the LEOs. They represented steps forward in terms of the larger context of improving public services through technology. By the end of 2016, the Department of Social Protection had issued about 2 million cards out of an original aim of 3 million. In August 2016, media coverage explained the benefits, guidance, and reasons for obtaining the card.⁴ Overall, it is too early to observe changes in government practices that show improvement in actual service delivery. So far, the changes have helped improve efficiency within public bodies, through the sharing of infrastructures, as seen especially in the ICT strategy, thereby bettering the quality of public services available to citizens and businesses. That said, while rolling out these actions is marginally making information and services more accessible to citizens, it is not entirely clear what possible negative effects (if any) the Public Service Cards will bring in the future. Some media sources like the *Irish Times* raised concerns on possible side effects to information privacy, while recognizing the efficiency of the new service.⁵ Others have raised concerns on the sustainability of the PSC, as it has already spent more than the original budget allocated for this project.⁶

CARRIED FORWARD?

Some of this cluster was carried forward into the next action. Commitment 6 (Improve Access to Government Services Through Technology) of the new action plan is explicitly related to the development of the public services card (2.6.3).

¹ See *Irish Times* article: <http://www.irishtimes.com/business/technology/government-to-appoint-chief-information-officer-1.2547159> (last accessed September 18, 2016).

² <https://www.localgov.ie/en/about/>

³ See <https://www.localenterprise.ie/> and <https://www.localenterprise.ie/Discover-Business-Supports/Supporting-SMEs-Online-Tool/> (last accessed September 18, 2016)

⁴ <http://www.newstalk.com/What-is-a-Public-Services-Card-and-do-I-need-one>

⁵ <http://www.irishtimes.com/life-and-style/people/a-national-id-card-by-any-other-name-1.2401882>

⁶ <http://www.irishtimes.com/news/ireland/irish-news/department-made-no-business-case-for-public-services-card-c-ag-1.2812095>

2.7: REVIEW OF COMPLAINTS PROCEDURE AND IMPROVING SERVICES ACROSS THE PUBLIC SERVICE (2.7.1, 2.7.2)

Commitment Text:

Action 2.7.1 - A review of citizen complaints procedures will be undertaken.

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

Action 2.7.2 - Enhance customer engagement

Customer engagement will be promoted through provision of more customer service training, review of the customer charter process, through formal organisational surveys of customers and through a range of mechanisms including social media, mobile access devices, focus/user groups, meetings, seminars and consultation processes with a view to improving services and levels of engagement with citizens.

Responsible institution(s): Department of Public Expenditure and Reform (DEPR)

Supporting institution(s): All public bodies will be involved

Start Date: Not specified

End Date: July 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		END-OF-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding		
2.7.1 Review citizen complaints procedure		X				X	X			X				X							X		
2.7.2 Enhance customer engagement			X		X	X					X				X					X			

COMMITMENT AIM

These actions seek to assess the process of customer (or user) complaints on the civil service and the effectiveness of the remedies provided (Action 2.7.1). It also seeks to outline how the civil service can respond to customer reaction by way of “Customer Charters” (Action 2.7.2), which are statements on the quality levels of service one can expect from a government Department or Office. These solutions are a means to increase public accountability and citizen participation in the civil service in terms of responding to users of government services.

STATUS

Midterm

2.7.1: Limited | 2.7.2: Substantial

The action plan outlined a range of initiatives to enhance customer engagement, including a more general review of Customer Charters across Departments, and surveying customers to improve levels of service as seen with the Irish civil service customer satisfaction survey in 2015 (Action 2.7.2) and a review of citizen complaints procedures in particular (Action 2.7.1). The first year of the action plan saw Action 2.7.1 having limited completion, while 2.7.2 saw substantial advancement, as explained in detail in the IRM midterm report.

END OF TERM

2.7.1: Complete | 2.7.2: Substantial

In the second year of the action plan, the government took significant steps to ensure the completion of Action 2.7.1. As reflected in the government report, a review of departments and offices was completed in April 2016, complemented by a review of non-commercial state agencies that was completed in June 2016. The resulting recommendations from the review were sent to individual State Agencies and the Civil Service Quality Customer Service Network. With regard to Action 2.7.2, substantial initiatives have taken place in the last year of the action plan, including requiring all public bodies to publish customer charters and customer action plans covering a three year period, based on a four-step cycle of consultation, commitment, evaluation, and reporting, as discussed in the government’s end of term report. Additionally, in 2016 a new survey of civil service business customers was started (where the contract to do so was awarded following an open tendering process in July 2016), whose goals are to analyze the experience Irish businesses have had when interacting with the government. There is also continued collaboration with the National Adult Literacy Agency (NALA) to deliver ‘plain language’ training over five sessions in 2016 for the civil service. Remaining tasks related to the Action are still being finished, including the finalization of surveying civil service business customers.

DID IT OPEN GOVERNMENT?

Civic participation: Marginal

Public accountability: Marginal

The context of these initiatives is seen in the Public Services Reform Plan of 2014–16 (launched in January 2014, before the action plan), which prioritized public service reform and improvement of service delivery by bettering how civil service engaged with customers (users). The potential of both initiatives, as explained in the IRM midterm report, was either minor or moderate. In terms of whether these actions opened government, their effect is marginal. While the actions (2.7.1, on customer complaints; and 2.7.2, on Customer Charters) created opportunities for officials to be answerable for their actions (through Customer Charters, for example), it is unlikely this will change ‘business as usual’ for users.

For example, as stated in the midterm report, 33 government departments established Customer Charters, however implementation of the charters in departments/offices needs to be monitored closely to determine if

the charters are improving service for users. Similarly, citizens have been able to provide input on how the civil service works through surveys. These surveys have been an ongoing practice since 2014 and the results are published. However, publications do not track how the input from citizens or users is considered or incorporated in improvement plans or policy changes. From the two surveys conducted during the span of the action plan, the results have been consistent to point out that “satisfaction with almost all aspects of service delivery have increased marginally” and the dissatisfactions remain constant from one survey to another.

CARRIED FORWARD?

The government has carried forward Action 2.7.2 into the new action plan, as part of Commitment 5 on improving access to government services through technology. Actions in this regard include increased training in customer services, reporting progress in meeting standards in Customer Charters, as well as encouraging public bodies to engage with customers in the development and review of services.

¹As discussed in IRM mid-term report, the Irish civil service customer satisfaction survey in 2015, satisfaction was up when compared with a similar survey in 2009.

²See: <http://www.per.gov.ie/en/quality-customer-service/> (last accessed September 18, 2016)

³See: <https://www.nala.ie/what-we-do/advance-policy> (last accessed September 18, 2016)

⁴<http://www.per.gov.ie/en/civil-service-general-public-customers/>

⁵2017 Customer Service Survey, published January 2017 <file:///Users/dennisemiranda/Downloads/Customer-Survey-2017-Full-Report-final-version-March-23-ilovepdf-compressed.pdf>

(★) 3.1: ETHICS REFORM

Commitment Text:

Action 3.1 - Ethics Reform

The government will bring forward legislation to modernise, consolidate and simplify the statutory framework for ethics in public office. It will implement the recommendations of the Final Report of the Mahon Tribunal agreed by Government and will draw on international best practice, including recommendations from international accountability bodies such as the OECD, GRECO and the UN.

Responsible institution(s): Department of Public Expenditure and Reform (DPER)

Supporting institution(s): All government departments

Start Date: Not specified

End Date: July 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		END-OF-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding		
				X			X					X			X			X					

Editorial note: Action 3.1 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.

COMMITMENT AIM

Dealing with conflicts of interest among public officials in Ireland is particularly salient, given the corruption that led to financial and economic crisis in the years before the action plan was in drafted.¹ The problem was manifest in actual and potential conflicts of interest that plagued Ireland throughout the 1990s and 2000s, as highlighted by the Mahon Tribunal that investigated payments to politicians on political decisions, calling for a more comprehensive ethical legal framework.² In this context, the aim of Action 3.1 was to develop specific reform proposals for a new ethics regime to effectively address actual and potential corruption risks, thereby increasing public trust.

STATUS

Midterm: Substantial

Before OGP participation, there was piecemeal legislation in Ireland on the regulation of conflicts of interest and political donations, as discussed more fully in the midterm report. With Action 3.1, the government sought to adopt one consolidated piece of legislation that brought together the previously separate strands of legislation, while also building on the recommendations of the Mahon Tribunal. At the midterm, substantial progress included the resultant General Scheme of the Public Sector Standards Bill that outlined the key areas to be covered by the legislation, developed throughout the first year of action plan and then later released by the Department of Public Expenditure and Reform (DPER) in June 2015, building on international best practice.³ The reform particularly sought to do the following: expand the scope of public disclosures that officials have to make, outline principles of integrity and codes of conduct for public officials, and enforce independent regulation of disclosures. After this was finalized in June 2015, the process for public consultation was also opened thereafter, where an additional policy document was produced to explain the main elements of the initiative.⁴

End of term: Substantial

In the second year of the action plan, with the goal to encourage public debate and consultation on the theme, the state received public comments by 11 September 2015. As highlighted by the government in its self-assessment report, these comments were later posted on the web. Subsequently, the Public Sector Standards Bill was published on 23 December 2015, completing its second stage reading by 20 January 2016. Given the delays in forming government after the latest General Elections in early 2016, it is expected that the Bill will enter Committee stage in parliament in late 2016, with a view to finalize adoption of the law in 2017.

DID IT OPEN GOVERNMENT?

Public accountability: Did not change

Although there has been progress towards the creation of the law, it had not been approved at the time of writing and therefore no change was observed.

CARRIED FORWARD?

The legislative approval of the Public Sector Standards Bill should be ensured. The government should be commended for having as one of its three objectives in Commitment 14 of the National Action Plan 2016-18 the commitment to move the Bill through parliament to enactment in 2017.

¹ See R. Chari and P. Bernhagen, *Financial and Economic Crisis: Explaining the Sunset Over the Celtic Tiger*, *Irish Political Studies*, December 2011.

² See bit.ly/1PwMHDJ (last accessed September 9, 2015)

³ See bit.ly/1ljUY0b, link 'Draft General Scheme' (last accessed September 9, 2015)

⁴ For both documents, see bit.ly/1ljUY0b (link 'Draft General Scheme' and 'Policy Document')

3.4: LOBBYING REGULATION

Commitment Text:

Action 3.4 - Regulation Lobbying

Secure Government approval for, publish and enact the regulation of Lobbying Bill. Development of a Transparency Code in relation to the transparent operation of working groups, task forces etc appointed by a Minister or Department.

Responsible institution(s): Department of Public Expenditure and Reform (DPER)

Supporting institution(s): All public bodies will be involved in implementation once the Bill is enacted.

Start Date: July 2014

End Date: March 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
			X		X	X	X				X										X
																X					

Editorial note: Action 3.4 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.

COMMITMENT AIM

The 2015 Regulation of Lobbying Act's main aim is to shed light on lobbying in the development of public policy.¹ In this regard, the law seeks to add transparency and accountability to the overall policy-making process by allowing citizens to see which lobbyists were seeking to influence governmental departments making policy. The main principle guiding the law is to encourage transparency in the actions between government (including elected officials and civil servants) and all sectors of society on areas of policy that impact all citizens, primarily by developing a lobbying registrar where all lobbyists must register before contacting public officials.

STATUS

Midterm: Complete

This is a pre-existing initiative that seeks to introduce a Register of Lobbyists and new rules regarding the practice of lobbying as part of the Public Service Reform Programme launched by the Minister of Public Expenditure and Reform in November 2011. By April 2013, the Government approved the drafting of the Bill.

This commitment was completed in year one of the action plan: the bill was published in 2014, passed through both the Lower and Upper Chambers of Parliament, and signed into law in the first year of the action plan in early 2015.

As of September 2015, the public Registrar of Lobbyists in Ireland was set-up and fully functioning, with a newly appointed Registrar (Sherry Perrault) and team in place and housed in the Standards in Public Office (SIPO). In year two of the action plan, an Advisory Group has also been established and is comprised of various stakeholders, including from business, unions, and NGOs. The advisory group was initially set up by DPER, with input from the Standards in Public Office Commission with regard to membership. DPER envisaged participation from a wide cross-section of civil society, and accordingly identified a list of organisations from various sectors, sending a letter inviting them to nominate a representative. It was a targeted call rather than an open call *per se*, although having a plurality of actors serving on the Group was always envisaged and subsequently assured.

DID IT OPEN GOVERNMENT?

Access to information: Outstanding

Civic participation: Did not change

Public Accountability: Outstanding

The change to government practice is outstanding on three main fronts related to OGP relevance. First, in terms of access to information, as of mid-September 2016, desk research showed that there is already over 5,200 returns that the public can access to identify who is lobbying whom and about what, also reflecting the idea that lobbyists are complying with the rules.² Second, having such information makes it possible to hold both public and private officials accountable for their actions. According to the *Irish Times*, the Irish press has increasingly reported instances of high-powered lobbyists meeting with state officials, thus bringing these meetings to the attention of the public.³ Citizens armed with this information have new opportunities to hold officials accountable for their actions when developing public policy by, for example, not voting for certain officials in the next election. Furthermore, with such information available, citizens and members of civil society living in strong regulatory systems such as Ireland have new opportunities to better inform themselves about who are the key actors in state decisions, therefore increasing their participation in politics, if they deem that certain lobbyists are exercising undue influence. This relation between strength of regulatory frameworks and participation is further developed in a comparative study of lobbying regulations.⁴

CARRIED FORWARD?

This commitment was not carried forward into the next action plan.

¹ Link to the Act <http://bit.ly/1ZZtWhc> (last accessed September 9, 2015)

² See: https://www.lobbying.ie/app/home_search?currentPage=0&pageSize=10&queryText=&subjectMatters=&subjectMatterAreas=&period=&returnDateFrom=&returnDateTo=&lobbyistId=&dpo=&publicBodies=&jobTitles=&client=

³ See: <http://www.irishtimes.com/business/media-and-marketing/caveat-thank-you-for-lobbying-now-fill-out-the-register-1.2653796>

⁴ Chari, R., J.Hogan and G. Murphy, *Regulating Lobbying: a Global Comparison* (Manchester: Manchester University Press, 2012)

(★) 3.5: WHISTLEBLOWER DUTIES AND PROTECTIONS

Commitment Text:

Action 3.5 - Communicate and increase awareness of the role of whistleblowing, the proper treatment of whistleblowers and the availability of **whistleblowing protection** consistent with the Protected Disclosures legislation

Responsible institution(s): Department of Public Expenditure and Reform (DPER)

Supporting institution(s): Trade Unions, relevant CSOs and employer representative bodies

Start Date: July 2014

End Date: December 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		END-OF-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding		
			X		X	X						X				X						X	

Editorial note: Action 3.5 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.

COMMITMENT AIM

Protected Disclosures legislation (or Whistleblowing legislation), as outlined in this commitment, provides a regulatory framework in which workers can raise concerns about potential wrongdoings in the workplace, knowing that they can be protected if they are penalized by their employer for *whistleblowing*. Such a comprehensive legal framework had not been fully put into place until the action plan. This Action thus relates to solving the problem of unfair penalization by developing whistleblower legislation in order to protect public and private workers in Ireland and subsequently raising the awareness of whistleblower duties and protections.

STATUS

Midterm: Complete

Before OGP participation, in 2012, the Irish government was developing whistleblower legislation, as part of its 2011 Programme for Government. In July 2013, and at the same time the first action plan consultations were taking place, the Protected Disclosures Bill was launched. For the first time, a comprehensive bill was developed in Ireland to protect workers from all sectors of the economy who reported concerns about potential wrongdoings happening in the workplace. The Protected Disclosures Act was completed in year one of the action plan.

This Act, heavily influenced by civil society actors, is today considered to be one of the most robust pieces of legislation in the world on the theme, as discussed in full in the IRM midterm report. Since July 2014, the government has conducted awareness raising of the legislation in two ways. First, state actors notified employers and employees of whistleblowing legislation, providing guidance on key themes, such as what is meant by a protected disclosure, what matters can be reported on, who is protected, and how does a worker report concerns. Second, there was extensive media coverage on the protection gained by workers with the new whistleblowers legislation,¹ as well as Minister for Public Expenditure and Reform, Brendan Howlin, making keynote addresses on the issue, such as to the Irish Whistleblowing Law Society Inaugural Event on July 2015.²

Although the commitment was completed in year one of the action plan, year two has seen important supplementary initiatives taken by the state related to this commitment as seen in government self-assessment and in discussion with civil society actors. These include further public consultations offering guidance on the act (Q3, 2015), and securing funding of EUR 300,000 to be allocated to Transparency International, with the aim of raising public awareness on the issue and to provide free and independent legal advice to those considering making a protected disclosure.

DID IT OPEN GOVERNMENT?

Civic participation: Outstanding

Public accountability: Outstanding

The new legislation broke a historical barrier in Ireland where employees were reluctant to speak up against wrongdoing in the workplace.³ A Transparency International Ireland report of 2011 pointed out that Ireland's sectoral approach to whistleblowing had many shortcomings.⁴ With the new law, Ireland's legislation is amongst the most comprehensive compared to other EU countries.⁵ It poses outstanding changes to public accountability, on two main fronts. First, given the broad nature of the legislation, it now regulates wrongdoings in both the public and the private workforce. Its overarching scope empowers all working citizens to report wrongdoing, with protections not limited to specific sectors of public service. Secondly, because the commitment has shed light not only on politics in Ireland, in general, but also workplace politics, citizens now have improved opportunities to influence decisions that affect them. It is still early, but the IRM found at least one case of the Act being used outside the sectoral scope whistleblowing legislation had prior to its approval, with a whistleblower who "has made allegations of financial mismanagement in the University of Limerick."⁶ The Act has also set in place redress mechanisms for employers that have been dismissed or penalised for reporting wrongdoing in the workplace.⁷ Organizations like Transparency International Ireland have committed to continue close monitoring of the implementation of the Act as it continues to be rolled out. In collaboration with the government, through the Minister of Public Expenditure and Reform, they launched an initiative in September 2016 to provide training, guidance, expert advice and online resources to promote safe environments for anyone reporting wrongdoing.⁸

CARRIED FORWARD?

This commitment is complete and was not carried forward into the next action plan. Implementation is ongoing as expected and the IRM researcher does not see a need to include it in further action plans.

¹ See *The Irish Times* report of November 24, 2015, <http://www.irishtimes.com/news/crime-and-law/whistleblowers-enjoy-layers-of-protection-under-act-1.2010529> (last accessed September 18, 2016)

² Minister Howlin's speech to the Irish Whistleblowing Law Society was entitled 'Protected Disclosures: the Legislation One Year on,' held on 14th July 2015. Further information on this event can be found on: <http://www.lawlibrary.ie/News/Bar-Council-hosts-Irish-Whistleblowing-Law-Society.aspx> (last accessed September 15, 2015)

³ See page 14 of the article by L. Kierans: <http://www.cpaireland.ie/docs/default-source/Members/Publications/a-whistle-stop-tour-of-the-protected-disclosures-act-2014.pdf?sfvrsn=2>

⁴ An Alternative to Silence, Transparency International Ireland Report 2011 http://transparency.ie/sites/default/files/2010_Alternative_to_Silence_Ireland_v1.pdf

⁵ <https://www.eurofound.europa.eu/observatories/eurwork/articles/law-and-regulation/new-developments-in-the-protection-of-whistle-blowers-in-the-workplace>


⁶ On this see: <http://bit.ly/1K7ciAU>

⁷ http://www.citizensinformation.ie/en/employment/enforcement_and_redress/protection_for_whistleblowers.html and http://www.citizensinformation.ie/en/employment/unemployment_and_redundancy/dismisal/unfair_dismisal.html

⁸ Integrity at Work <http://transparency.ie/integrity-work>

METHODOLOGICAL NOTE

Commitments are clustered and analyzed in this report in a consistent manner as fully explained in the IRM midterm report on Ireland. This report is based on an analysis and desk review of: governmental programs; draft laws and regulations; governmental decrees; newspaper articles; academic papers; and government self-assessment reports (both at the midterm, and a draft version of the End-of-Term report given to the author by the government after completion of the two-year cycle).



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