

INDEPENDENT REPORTING MECHANISM:

# IRELAND PROGRESS REPORT 2014–2015

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First Progress Report





# INDEPENDENT REPORTING MECHANISM (IRM): IRELAND

## PROGRESS REPORT 2014-2015



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# EXECUTIVE SUMMARY

## INDEPENDENT REPORTING MECHANISM (IRM): IRELAND PROGRESS REPORT 2014-2015

Ireland's first action plan contained ambitious commitments on citizen participation, ethics in public office, lobbying regulation, and whistleblower protection. The government complied with OGP requirements for consultation during action plan development. Going forward, formalizing permanent dialogue forums and more awareness-raising will strengthen participation.

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 at the mid- and end-point of the action plan for each OGP-participating country.

Ireland began its formal participation in May 2013, when the Minister for Public Expenditure and Reform (DPER), Brendan Howlin, declared his country's intention to participate in the initiative.

This report covers the first year of implementation from 1 July 2014 to 30 June 2015.

The Department of Public Expenditure and Reform leads the development and implementation of the Action plan, supported by other Ministries. While there have not been significant political changes in Ireland through the first year of implementation, it is important to note that elections will take place in early 2016.

### OGP PROCESS

Countries participating in the OGP follow a process for consultation during the development of their OGP action plan and during implementation. Ireland's first action plan was developed both with civil society and with government engagement and leadership in the process. During consultation, a timeline was made available with advance notice. Both online and in-person consultations were held and awareness-raising activities were led by civil society in form of a pre-consultation that resulted in 62 proposed actions by civil society.

The self-assessment report was published on 21 September 2015 and opened for public comment online through Ireland's OGP website beyond the two-week time period. Additionally, the government emailed notifications of the self-assessment to stakeholders that participated in the OGP process.

### AT A GLANCE

MEMBER SINCE: 2013  
NUMBER OF COMMITMENTS: 20  
NUMBER OF ACTIONS: 30

#### LEVEL OF COMPLETION

COMPLETED:	6 (20%)
SUBSTANTIAL:	18 (60%)
LIMITED:	4 (13%)
NOT STARTED:	1 (3%)
UNCLEAR:	1 (3%)

#### TIMING

ON SCHEDULE:	18 (60%)
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#### COMMITMENT EMPHASIS

ACCESS TO INFORMATION:	20 (67%)
CIVIC PARTICIPATION:	13 (43%)
ACCOUNTABILITY:	14 (47%)
TECH & INNOVATION FOR TRANSPARENCY & ACCOUNTABILITY:	5 (17%)
UNCLEAR:	2 (7%)

#### PERCENT OF ACTIONS THAT WERE:

CLEARLY RELEVANT TO AN OGP VALUE:	28 (93%)
OF TRANSFORMATIVE POTENTIAL IMPACT:	4 (13%)
SUBSTANTIALLY OR COMPLETELY IMPLEMENTED:	24 (80%)
<b>ALL THREE (★):</b>	<b>4 (13%)</b>

## COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Ireland's action plan is divided into three main areas that include open data, fostering citizen participation in politics and rebuilding trust in government by way of increased regulation aimed at both public and private actors. These main areas contain a total of 20 commitments with 10 additional sub-commitments for a total of 30 actions. The following tables summarise each action, its level of completion, its potential impact, whether it falls within Ireland's planned schedule, and the key next steps for the action in future OGP action plans.

Ireland's action plan contained four starred actions (actions 2.3, 3.1, 3.4, and 3.5). These actions are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. Note that the IRM updated the star criteria in early 2015 in order to raise ambition for model OGP commitments. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Under the old criteria, Ireland would have received nineteen additional stars (actions 1.1, 1.2, 1.4, 1.5, 1.6, 2.2.1, 2.2.2, 3.2, 3.3, 2.5.1, 2.1, 2.4.1, 2.4.2, 2.6.1, 2.6.2, 2.6.3, 2.6.5, 2.6.6, 2.7.2). See <http://www.opengovpartnership.org/node/5919> for more information.

**Table 1 | Assessment of Progress by Commitment**

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
★ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.									
<b>Cluster 1: Open Data A</b>									
1.1. Establish best practice standards									On schedule
1.2. Establish an open data platform									On schedule
1.3. Carry out audit of key data sets									On schedule
<b>Cluster 1: Open Data B</b>									
1.4. Establish a roadmap for open data									Behind schedule
1.5. Establish governance structures									Behind schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
<p>★ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>									
1.6. Sign up to G8 Open Data Charter									On schedule
1.7. Implement open data									On schedule
<b>Cluster 2: Citizen Participation</b>									
2.2.1 Systematic pre-legislative scrutiny of draft bills									On schedule
2.2.2 Develop and deliver access to environmental information (AIE) training module for public officials									On schedule
★ 2.3 Hold three referenda in 2015									Behind schedule
<b>Cluster 3: FoI – Implementation Code and Reform</b>									
3.2 Implement the Code of Practice									Behind schedule
3.3 FoI reform									Behind schedule
<b>Cluster 4: Support youth as citizens and school strategies</b>									
2.5.1 Strategy on children and young people’s participation in decision-making									On schedule
2.5.2 Maximize participation and understanding of young people in civic life									On schedule
1.8. Digital strategy for schools									Behind schedule
<b>Action 2.1. Revise government principles on consultation processes</b>									On schedule
<b>Action 2.4 Citizen participation in local governments</b>									
2.4.1 Pilot implementation of Public Participation Networks									On schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
★ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.									
2.4.2 Legal framework for public participation in local governments									Behind schedule
2.4.3 Feasibility study to enable citizen engagement in local budgetary processes									Behind schedule
<b>Action 2.6 Customer improvements to be implemented for citizens through technology</b>									
2.6.1 Develop ICT strategy									Behind schedule
2.6.2 Data sharing and governance bill									On schedule
2.6.3 Public services card									On schedule
2.6.4 Single customer view					Unclear				Unclear
2.6.5 Local government portal									Behind schedule
2.6.6 Local enterprise office									On schedule
<b>Action 2.7 Review of Complaints Procedure and Improving Services Across the Public Service</b>									
2.7.1 Review citizen complaints procedures									Behind schedule
2.7.2 Enhance customer engagement									On schedule
★ Action 3.1 Ethics reform									On schedule
★ Action 3.4 Lobbying regulation									On schedule
★ Action 3.5 Whistleblower protection									On schedule



**Table 2 | Summary of Progress by Commitment**

NAME OF COMMITMENT	SUMMARY
<p>★ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>	
<p><b>Cluster 1: Open Data A</b></p>	
<p><b>1.1 Establish best practice standards</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>This action aims to define an open data strategy and set the standards on how government data should be made public. Ireland held a successful consultation process for the preparation and publication of documents that contain the open data strategy and recommendations on licensing. They define best-practice frameworks on how open data can be used and how datasets should be published for citizen use, which could have a high economic and social impact. Moving forward, the government should invest in a mobilization strategy to educate citizens on the use of open data in order to strengthen public accountability.</p>
<p><b>1.2 Establish an open data platform</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Complete</li> </ul>	<p>Action 1.2 seeks to establish a centralized portal where citizens can search datasets hosted by public bodies. The Open Data Portal was created in 2014 (data.gov.ie) and, after continuous database additions throughout the year of implementation, housed over 1100 datasets at the end of the reporting period. Such innovation through technology will not only help foster transparency but also promote accountability. For future actions, stakeholders have noted that government needs to take into consideration types, quantity, and quality that data users are seeking.</p>
<p><b>1.3 Carry out audit of key data sets</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>Action 1.3 aims for all government bodies to perform an audit in order to see which key data sets can and should be available for publication. Although action 1.3 has yet to be fully acted on, a few government departments beyond the Department of Public Expenditure and Reform have started the auditing process and have plans to publish more government-held data. This action, coupled with the previous two, will set the stage for a more robust open data policy. Furthering audits into next action plans will contribute to ensure compliance with the overall open data strategy and technical framework.</p>
<p><b>Cluster 1: Open Data B</b></p>	
<p><b>1.4 Establish a roadmap for open data</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>The roadmap's main objective is to outline steps for open data development over the next three years. Considering that this action has been overall absent from the government's previous open data strategy, it could have moderate impact ensuring the publication of government-held information for citizen use. So far, part of the short- and medium-term goals set in the map have been fulfilled. Civil society actors, however, maintain that there has been little consultation with them on the preparation of the roadmap. Moving forward, more dialogue with civil society and information sharing would benefit the development of the open data strategy.</p>
<p><b>1.5 Establish governance structures</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>Action 1.5 aims to establish two governance bodies to provide proper oversight of the implementation process for the open data roadmap. So far, one (Steering and Implementing Group) of the two proposed governance bodies has been established. Civil society stakeholders have pointed out the absence of the sector in the composition of this body. The second body, Open Data Ireland Governance Board, is in process, and the IRM researcher recommends prioritizing its establishment to ensure a functional oversight mechanism, as proposed.</p>

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★ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	
<b>1.6 Sign up to G8 Open Data Charter</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	Signing up to the G8 charter is meant to strengthen the development of Ireland's open data policy. Thus far, this action has contributed in the formulation of the roadmap. Substantial progress has been made on signing up to the G8 Charter, and government should continue its efforts in fulfilling this action.
<b>1.7 Implement open data</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	Proper implementation of the open data policy and its effective regulation aims to ensure the accessibility of government-held data for citizen use. At the close of the reporting period for this report, the implementation of open data has been substantially met seeing that the roadmap has been established, the governance structures are being created and considering Ireland is on its way to sign up to the G8 Charter. Moving forward, the IRM researcher suggests that government could be more explicit and clear about the steps the Steering and Implementing Group is going to take to advance the open data strategy.
<b>Cluster 2: Citizen Participation</b>	
<b>2.2.1 Systematic pre-legislative scrutiny of draft bills</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Complete</li> </ul>	This action aims to allow individuals, civil society organizations, and interest groups to participate via consultation in decision-making early in the legislative process. This level of scrutiny is expected to have substantive effects on the current forms of participatory democracy and on policy outputs, which are expected to be closer to the interests of citizens and interest groups. In completion of this action, 48 bills were held for pre-legislative consultation. Moving forward, the pre-legislative scrutiny needs to be established as a norm when policy makers seek support or expertise of civil society and interest groups.
<b>2.2.2 Develop and deliver access to environmental information (AIE) training module for public officials</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	Action 2.2.2 seeks to implement a database to record the requests for information on the environment. Similar to Freedom of Information requests (Fol), this commitment represents a fundamental step towards the access to information for citizens, interest groups and public bodies at all levels of government. One civil society leader believed that the training sessions to public bodies could have extended to a larger audience of civil servants. To further completion on this action, the IRM researcher recommends that government ensures availability of resources to complete tasks.
★ <b>2.3 Hold three referenda in 2015</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Substantial</li> </ul>	Action 2.3 committed to hold three referenda on the recommendations of the Constitutional Convention. Two of the three referenda outlined in the original action plan were actually held in 2015 (even though the third was not held for valid reasons). The Marriage Equality Referendum opened civil marriage opportunity to both same-sex and opposite-sex couples as a result of an open participatory process. In a traditional country like Ireland, it reflects the transformative effect of deliberative, democratic initiatives like the referenda.
<b>Cluster 3: Freedom of Information (Fol)—Implementation Code and Reform</b>	
<b>3.2 Implement the Code of Practice</b> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	With the implementation of the Code of Practice for Fol, government seeks to promote best practices in public bodies, including the proactive publication of public interest information. The Code of Practice has been passed, and it currently serves as a strong foundation to strengthen the Fol legislation. Nevertheless, work remains to be done to strengthen proactive publication of the information and introduce a "legislative footprint" as outlined in the action plan.

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<p>• <b>3.3 Fol reform</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>Fol reform seeks to simplify requests for citizens. Changes to the legislation have recently come into effect, including the reduction of fees, the revision of the website dedicated to Fol, and the development of an Fol training framework. Moving forward, the government should consider setting up an independent working group in order to examine the costs and benefits of the strengthened Fol regime, to avoid the misuse of resources and to develop a consultation process inclusive of citizens.</p>
<p><b>Cluster 4: Support youth as citizens and school strategies</b></p>	
<p><b>2.5.1 Strategy on children and young people's participation in decision-making</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Complete</li> </ul>	<p>This action aims to establish a strategy that fosters civic engagement of children and young people. After holding a consultation process, the government developed a national strategy and has created different programs for its implementation, like a Participation Hub and an educational program on active citizenship. This action is significant to enable youth participation at the local level. Moving forward, the government should consider including children and young people in local decision-making processes through Public Participation Networks.</p>
<p><b>2.5.2 Maximize participation and understanding of young people in civic life</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>This action aims to provide high-level education on civic participation to children and young people. After receiving submissions by different interested stakeholders, the government formulated modules of Politics and Civic Society and Wellbeing to be introduced in school curriculums. At the time of writing this report, the module was entering its pilot stage. Going further, the IRM researcher suggests that government focus on gathering support from other stakeholders (i.e., unions) that are concerned about the state of wages in contrast to increasing teacher's responsibilities.</p>
<p><b>1.8 Digital strategy for schools</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>Digital strategy provides students with digital platforms, enabling them to be engaged thinkers inside and outside of school. This could significantly change traditional educational methods by introducing digital technology in learning. However, this action is still at a preliminary stage and has not entered the first phase of formulation. Its potential impact is limited in scope if it does not consider training on digital technology for teachers and school staff as well as the engagement with different stakeholders through consultations.</p>
<p><b>Action 2.1 Revise government principles on consultation processes</b></p>	
<p><b>Action 2.1 Revise government principles on consultation processes</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>With action 2.1, government seeks to provide clearer guidelines for consultation in order to improve the ability for citizens to input into public policy. Given that the consultation period is still ongoing, and that the government has only published draft guidelines for consultation, the action's development to date is yet to be complete, but its progress can be considered substantial. Moving forward, the government may consider in its next action plan to make public consultations a mandatory requirement for all pieces of legislation.</p>
<p><b>Action 2.4 Citizen participation in local governments</b></p>	
<p><b>2.4.1 Pilot implementation of Public Participation Networks</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Complete</li> </ul>	<p>Action 2.4.1 introduces platforms of participation at the local level, referred to as Public Participation Networks (PPNs), which, if efficiently involved in local decision-making, would allow for the consideration of a diversity of voices and interests, including CSOs. It is important to note that the impact of such structures on policy-making is still open to debate, making it hard to consider it transformative. PPNs were established in each local authority area in 2014. Going forward, adequate resources should be allocated to ensure effective implementation.</p>

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<p><b>2.4.2 Legal framework for public participation in local governments</b></p> <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Substantial</li> </ul>	<p>Action 2.4.2 aimed at producing regulation that would formally adopt PPNs in all local governments. At the time of writing, Parliament is considering a draft version of the regulation formulated with input from several stakeholders. Moving forward, the government should set up an oversight group to monitor and evaluate implementation of the approved legal framework.</p>
<p><b>2.4.3 Feasibility study to enable citizen engagement in local budgetary processes</b></p> <ul style="list-style-type: none"> <li>OGP Value Relevance: Unclear</li> <li>Potential Impact: Minor</li> <li>Completion: Not Started</li> </ul>	<p>The feasibility study intends to identify ways to increase civic participation in local budgeting. Although this commitment has yet to be started, public officials interviewed for this report confirm that the government has set the grounds for the development of the study. The government should consider including this commitment in future action plans, if not completed by the second year of implementation.</p>
<p><b>Action 2.6 Customer improvements to be implemented for citizens through technology</b></p>	
<p><b>2.6.1 Develop ICT strategy</b></p> <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Substantial</li> </ul>	<p>The overall Action seeks to improve citizen services delivery through the use of technology.</p> <p><b>Action 2.6.1</b> seeks to develop an ICT strategy to improve transactions and decrease the red tape for citizens when dealing with government. This strategy was approved by government and launched in January 2015.</p>
<p><b>2.6.2 Data sharing and governance bill</b></p> <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Substantial</li> </ul>	<p><b>Action 2.6.2</b> aimed to develop a new bill on data sharing and governance to improve data-sharing in the public service. Such a sharing would reduce administrative burdens on citizens and businesses. A general scheme of the bill has been approved, with its legislation still pending.</p>
<p><b>2.6.3 Public services card</b></p> <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Substantial</li> </ul>	<p><b>Action 2.6.3</b> and <b>2.6.4</b> aim to make a number of improvements through the Public Services card. The number of public service cards doubled since commitment was adopted as part of OGP. The IRM researcher was unable to find detailed or clear information on progress of the Single Customer view.</p>
<p><b>2.6.4 Single customer view</b></p> <ul style="list-style-type: none"> <li>OGP Value Relevance: Unclear</li> <li>Potential Impact: Minor</li> <li>Completion: Unclear</li> </ul>	<p><b>Action 2.6.5</b> continues the development of a local government portal, which connects citizens with all local government services, such as making payments. Links to several local government services and information can be found.</p>
<p><b>2.6.5 Local government portal</b></p> <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Substantial</li> </ul>	<p><b>Action 2.6.6</b> set to establish local Enterprise Offices, which are to serve as “First-stop shops” to support small businesses throughout the state. This initiative can be seen as particularly crucial given the impact of the financial and economic crisis on small enterprises, which are the heart of Ireland’s economy. There were substantial advancements during the first year of implementation, consistent with the strategy to strengthen local business and culture.</p> <p>All actions, except 2.6.4, represent major steps forward to improve efficiency within public bodies and may better the quality of services available to citizens and businesses in the delivery of public services.</p>
<p><b>2.6.6 Local enterprise office</b></p> <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Substantial</li> </ul>	<p>Moving forward, the government should develop a clear strategy that includes the designation of a body to oversee the implementation of the commitment and to increase outreach to civil society and actors from the private sector.</p>

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<p><b>Action 2.7 Review of Complaints Procedure and Improving Services Across the Public Service</b></p>	
<p><b>2.7.1 Review citizen complaints procedures</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>This action aims to assess customer complaints and the effectiveness of pursued remedies. So far, government has performed preparatory information-gathering sessions with different departments, which is why this action has limited completion. Moving forward, the government should increase the efforts to consult with civil society actors and other stakeholders throughout implementation.</p>
<p><b>2.7.2 Enhance customer engagement</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>This action seeks to enhance customer engagement to improve accountability in service delivery. At the time of writing, government has reviewed the charters of 33 departments, published a summary report with its findings, launched surveys to assess customer public satisfaction, and completed training sessions to improve service. Although the government has advanced substantially, it can make more efforts to ensure that the implementation of each issue that arises from the evaluation is addressed and monitored closely.</p>
<p>★ <b>Action 3.1 Ethics reform</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Substantial</li> </ul>	<p>Action 3.1 is a starred commitment. It seeks to develop specific reform proposals for a new ethics regime to effectively address corruption risks (and perceived corruption risks). The government has so far developed a general scheme of the bill that serves as a strong foundation to “modernize, consolidate and simplify” regulations in this area and its finalizing the consultation stage. The new scheme puts a microscope on public officials with clear rules and sanctions, therefore potentially transforming the history of corruption in the country and politics. Going forward, the IRM researcher recommends that government write a comprehensive analysis of all inputs received in consultations and continue the development of this action, which is aimed to be fulfilled before the end of 2016.</p>
<p>★ <b>Action 3.4 Lobbying regulation</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Complete</li> </ul>	<p>This is a starred commitment. It’s included in the action plan aimed to secure government approval, publication and enactment of a lobbying regulation. The Regulation of Lobbying Act was signed into law in 2015. It is a very ambitious initiative that, for the first time, will shed light on who is lobbying whom and about what. Lobbying is an activity that historically has been conducted behind closed doors. Moving forward, the next action plan could explore furthering information required to be disclosed by lobbyists.</p>
<p>★ <b>Action 3.5 Whistleblower protection</b></p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential Impact: Transformative</li> <li>• Completion: Complete</li> </ul>	<p>Action 3.5 is a starred commitment. It aims to raise awareness of whistleblower duties and protections as stipulated in the Protected Disclosures Act to promote enforcement. The Act was completed within the same month that the action plan was launched and is considered today to be one of the most robust pieces of legislation on the matter. The government has implemented different strategies that involve direct engagement with public officials as well as intensive media coverage. Scope of the act is ambitious and enables accountability within civil service and in private workforce. In future action plans, the IRM researcher recommends that government consider partnering with civil society experts to create robust media campaigns and establishing a monitoring body to oversee effective implementation.</p>

## RECOMMENDATIONS

While much progress has been made in implementing the commitments, some areas need strengthening and reinforcing. A main recommendation is that stakeholders and the state develop a clear, binding policy with guidelines to ensure the role of public consultations in such a way that promotes finding the satisfactory balance between participation and efficiency. This policy will serve as a framework for developing the next action plan, in particular, and any policy developed in Ireland in the future. Based on the findings in the progress report, the IRM researcher made the following five specific, measurable, accountable, relevant, and time-bound (SMART) recommendations for improving the OGP process in Ireland.

### TOP FIVE "SMART" RECOMMENDATIONS

1. Get the OGP word out. More advertising needs to be done in the local media regarding what action plan is about, highlighting the benefits all citizens can gain from the open-government process and the success attained so far in the action plan.
2. Create an *OGP team*. This team from the state will serve as a point of contact for the different public bodies, stakeholders, and citizens alike and coordinate implementation of actions across public bodies more fully.
3. Establish the Implementation Review Group (IRG) in three steps. Define clear roles for representation in the IRG and engage stakeholders with aid of an independent mediator, share results from IRG meetings with the established OGP team, and provide a public timeline for meetings with advance notice.
4. Reduce the number of commitments, but don't recycle pre-existing initiatives in the next action plan, so there is no perception that completing the action plan is a "box-checking" exercise, rather than a meaningful process that outlines clear, individual actions aimed at opening government.
5. Find a balance between participatory democracy and technocratic efficiency. Lessons should be taken from the consultation process employed for the lobbying regulation development.

## ELIGIBILITY REQUIREMENTS

To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see section IX: Eligibility Requirements at the end of this report or visit: <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.



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

# I | NATIONAL PARTICIPATION IN OGP

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

## HISTORY OF OGP PARTICIPATION

Ireland began its formal participation in May 2013, when the Minister for Public Expenditure and Reform, Brendan Howlin, declared his country's intention to participate in the initiative.<sup>1</sup>

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third-party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements for more details.

All OGP-participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action Plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

Ireland developed its Action plan from July 2013 to June 2014. The effective period of implementation for the action plan submitted in July 2014 was officially 1 July 2014 through 30 June 2016. This report covers the first year of implementation of this period, from 1 July 2014 through 30 June 2015. The government published its self-assessment in September of 2015.

## BASIC INSTITUTIONAL CONTEXT

Ireland is a unitary state with a parliamentary system of government, lead by a prime minister (Taoiseach), who heads a cabinet that is comprised of ministers, who lead departments. In this context, the department responsible for OGP's commitments in terms of leading the development, coordination, and implementation of the Action plan is the Department of Public Expenditure and Reform. Nevertheless, various departments, such as the Department of Justice and the Department of Education and Skills, may be involved as being responsible for the implementation of some actions of the action plan, such as seen in Action 1.8 of the action plan on improving computer literacy through new Digital Strategy for Schools, which is lead by the Department of Education and Skills.

The election of 2011 marked an end to the previous Fianna Fáil-Green coalition, which was in power during the financial and economic crisis in Ireland. Since winning that election, the Fine Gael-Labour coalition government called for more transparency, openness, and accountability in government as seen in its Programme for Government. The reason was that the historical opaqueness and "backroom deals" found in Irish politics seem to help explain the catastrophic impact of the financial and economic crisis. In this regard, Labour Minister Brendan Howlin, who led the DPER, particularly championed opening up Irish politics and making it more transparent and accountable in 2011, well before Ireland stated its intentions to sign up to OGP in May 2013 and became a full member in July 2014.<sup>2</sup> At this time, the cabinet

approved its first two-year action plan. The amount of budget dedicated to OGP is estimated to be EUR 50,000, while the amount of staff dedicated to OGP is one person (full-time equivalent).

Since the first action plan was published in 2014, there have been no significant political developments. The only development of potential significance, particularly for the second year of the first action plan, is the forthcoming elections, which are scheduled to take place in early 2016. At the economic level, one may argue that Ireland is on the full road to recovery from the ills associated with the financial and economic crisis of the late 2000s, which resulted in poor economic growth and high unemployment. A recent Organisation for Economic Co-operation and Development (OECD) presentation suggests that Ireland is seeing a “robust recovery,” with falling unemployment, decreasing debt, and increasing international investor credibility.<sup>3</sup>

group was held. The IRM researcher also attended a consultative event attended by several CSOs in July 2015. More details on the methods of analysis can be seen in Section VIII of this report. OGP staff and a panel of experts reviewed the report.

Summaries of the proceedings of these forums are given in Section VIII.

## METHODOLOGICAL NOTE

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Ireland, the IRM partnered with Raj Chari (based out of Trinity College Dublin, Political Science).<sup>4</sup> The IRM researcher reviewed the government’s self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

This report covers the first year of implementation of Ireland’s action plan, from 1 July 2014 to 30 June 2015. Beginning in 2015, the IRM also publishes end of term reports to account for the final status of progress at the end of the action plan’s two-year period.

To gather the voices of multiple stakeholders, the IRM researcher organized different activities using primarily a qualitative method analysis (i.e., documentary analysis and performing questioning in interviews). In total, over 25 interviews took place, and one focus

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<sup>1</sup>Letter of intent accessible at [bit.ly/1U7CifO](http://bit.ly/1U7CifO)

<sup>2</sup>Budget 2012: Speech of Minister for Public Expenditure and Reform, Brendan Howlin, “Business Newsletter, The Independent, April 12, 2011, [bit.ly/1nf1ZDj](http://bit.ly/1nf1ZDj)

<sup>3</sup>Irish economy seeing ‘robust’ recovery, but some risks remain,” OECD, 15 September, 2015, [bit.ly/1NAAtb7n](http://bit.ly/1NAAtb7n)

<sup>4</sup>Open Government Partnership Ireland,” <http://www.ogpireland.ie/>



# II | PROCESS: ACTION PLAN DEVELOPMENT

Ireland’s first action plan was developed both with civil society and with government engagement and leadership in the process.

This section considers the formulation of the Action plan. It highlights the involvement of civil society organizations during the consultation process, which took place July–September 2013 and February–April 2014. This section also considers the power shared between the government and stakeholders in the formulation stage of the policy, and whether or not the consultation can be considered *meaningful*.

**Table 1 | Action Plan Consultation Process**

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT?
During Development	Were timeline and process available prior to consultation?	Yes
	Was the timeline available online?	Yes
	Was the timeline available through other channels?	No
	Link to the timeline.	<a href="http://www.ogpireland.ie/national-action-plan/">http://www.ogpireland.ie/national-action-plan/</a>
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	Unclear
	Was this notice adequate?	Yes
	Did the government carry out awareness-raising activities?	Yes
	Links to awareness-raising activities.	<a href="http://www.ogpireland.ie/category/events/">http://www.ogpireland.ie/category/events/</a>
	Were consultations held online?	Yes
	Link to online consultations.	<a href="https://docs.google.com/document/d/1IGoNHTllw1huCYPr63Cl2-EOxw-wZRlsJ2t_W_pNN6Q/edit?pli=1">https://docs.google.com/document/d/1IGoNHTllw1huCYPr63Cl2-EOxw-wZRlsJ2t_W_pNN6Q/edit?pli=1</a>
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	Yes
	Links to summary of comments.	<a href="http://www.ogpireland.ie/national-action-plan/">http://www.ogpireland.ie/national-action-plan/</a>
	Were consultations open or invitation-only?	Open
Place the consultations on the IAP2 spectrum. <sup>1</sup>	Involve	

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT?
During Implementation	Was there a regular forum for consultation during implementation?	No
	Were consultations open or invitation only?	Open
	Place the consultations on the IAP2 spectrum.	Inform

## ADVANCE NOTICE AND AWARENESS RAISING

In terms of advance notice and awareness raising, it is important to note that citizens of Ireland, not the government, promoted the initiatives for Ireland to join the OGP. Even before the government made an official announcement of its intention to join OGP and develop an action plan, civil society leaders, such as those from Transparency International (TI) Ireland and Open Knowledge Foundation Ireland, met on April 2013 with the purpose “to focus on the process of civil society engagement with OGP and how we can work together to make that as successful as possible.”<sup>2</sup>

After the government expressed interest in joining the initiative in May 2013, and after developing the OGP Ireland website in June 2013, the government embarked upon a series of consultations (Public Consultation No. 1) between July and September 2013.

The first public consultation, which effectively constituted a pre-consultation process before the state developed action plan, consisted of three public meetings held in Dublin. These were organized by TI Ireland with funding from DPER. They were held on three dates: July 10, August 8, and September 5. Such meetings involved civil society groups and citizens (some of whom are outlined in the next paragraph), who discussed open government and transparency issues along with government officials. It is estimated that 40 NGOs and over 100 individuals in total participated. Between June and the end of August 2013, the budget for the OGP Consultation with civil society and citizen was EUR 24,475.<sup>3</sup>

This initial public consultation process resulted in 62 proposed actions to be considered for inclusion in Ireland’s action plan. This was a function of the work performed in four main working groups, led by mem-

bers of the following organizations:

- Ivan Cooper from The Wheel facilitated the Citizen Participation working group.<sup>4</sup>
- John Handelaar of Kildarestreet.com led the deliberations of the Technology & Innovation group.<sup>5</sup>
- Imelda Higgins summed up for the Accountability working group.<sup>6</sup>
- Nat O’Connor of Think-tank for Action on Social Change (TASC ) led deliberations on the fourth working group on transparency.<sup>7</sup>

Transparency International Ireland’s Nuala Haughey (who was responsible for arranging and coordinating this pre-consultation process involving governmental and non-governmental organizations) would later stress that “all Action Plan proposals generated during the three month long consultation will be submitted to government for consideration.”<sup>8</sup> The work performed during Public Consultation No. 1 would thus feed into the more in-depth process of consultation when the Action Plan’s contents were concretely developed in 2014, to which the report now turns.

## DEPTH AND BREADTH OF CONSULTATION

In terms of who was invited to participate in the consultation process during action plan development between February and April 2014 (Public Consultation No. 2), the government set up a Joint Working Group (JWG) to draft the action plan. This consisted of five members from the government as well as six members from CSOs who volunteered to serve on the group, including Transparency Ireland and Open Knowledge Ireland.

- The five members from the government were William Beausang (DPER), Donal Enright (Depart-

ment of the Environment, Community and Local Government), Claire Marttnez (DPER), Conor McCann (DPER) and Evelyn O'Connor (DPER). The six members from civil society were Anne Colgan (Private Citizen), Flora Fleisher (Open Knowledge Foundation Ireland), Nuala Haughey (Transparency International Ireland, TASC), Andrew Jackson (An Taisce), Antoin O'Lachtnain (Digital Rights Ireland), and Denis Parfenov (Open Knowledge Foundation Ireland).<sup>9</sup>

The JWG was co-chaired by William Beausang, Assistant Secretary for the Government Reform Unit in Ireland, and Anne Colgan, for civil society. The JWG met nine times between 6 February 2014 and 3 April 2014, discussing proposals and priorities for a draft of the first action plan. During this period, the civil society volunteers on the JWG reported back to a wider civil society group at weekly meetings of the "Civil Society Forum," which was set up in January 2014 for 15–25 members to meet up on any given night in the TASC offices in Dublin. Beyond members of the public, main organizations in the forum (some of which had overlapping membership in the JWG) represented a diversity of views and included organizations, such as Active Citizen, An Taisce, Open Knowledge Foundation, TASC, Transparency International Ireland, and The Wheel.

At these forum sessions, participants examined and discussed the action plan proposals and worked collaboratively on draft action plan documents.<sup>10</sup> The civil society members on the JWG then reported the forum's views back to the JWG. Key dates in the process include:

- 18 February 2014: DPER submitted the first draft of an action plan t, to which civil society made commentary on 5 March 2014 and 14 March 2014 (to which DPER responded on 22 March 2014)
- 8 April 2014: the government submitted a second draft of an action plan, to which civil society made comments and observations on 10 April 2014.

Civil society members of the JWG would thus report to and gain the views of the forum, allowing for a continuous feedback in the process. All of the JWG weekly meetings and subsequent drafts of the action plan were published on the web and open for public comments.

On 8 May 2014, the final draft of the action plan was published at the Europe Regional Conference in Dublin Castle. The action plan was opened up for public comments until 6 June 2014 and then Ireland submitted its final action plan to the International OGP Steering Committee in June. On 23 July 2014, the first action plan was published and approved by the cabinet, allowing action plan implementation to start the second half of the year.<sup>11</sup>

Some members of civil society organizations and state officials interviewed during this investigation stated that the consultation process, particularly Public Consultation No. 2, was meaningful.

The process, however, did not go without criticism from civil society members. Some members of civil society believed that points proposed in the first draft of the action plan provided "a good, nonetheless limited start for Ireland into the world of OGP." Taking from others' comments on the 8 April draft of the action plan, there are three criticisms against the government by civil society:<sup>12</sup>

- Opportunities to participate were "limited" and "public consultation only [took place] exclusively in Dublin."
- There was no "flat participatory process," but instead a focus that involved "a small group of civil society organizations." Although it was noted that such "organizations tried their best to keep the process open for all citizens, resources were limited and further time constraints imposed by the Irish government, to meet OGP's timeline, did make it difficult to continue working on the plan according to best OGP principles."
- A rallying point for many in the civil society forum was that FoI fees should be fully dropped, an idea that many in civil society felt could have been more readily embraced by the government during the process.

A further criticism that came out in interviews was that once the final draft was tabled in May 2014, and was purportedly opened up for all Irish citizens to comment on, there was little engagement of the public at large after this time, although the Minister announced a call for submissions. One civil society organization member stated, "After Dublin Castle [3 May 2014, when the

final Draft of the action plan was launched], there was no real public consultation and no actions to take the action plan to the wider public,” while another commented that Irish citizens are “still probably unaware” of what OGP is.

A final criticism relates not so much to the relations between the government and civil society actors but to the relationship between civil society actors themselves: even from the beginning, tensions mounted between various civil society actors throughout the action plan development. In at least five interviews with civil society one civil society member stated that during negotiations there was “a high level of toxicity” between some of the civil society actors, where some did not take (or were not perceived to be taking) compromising positions, only wanting their issues on the agenda.

What was the relationship between the government and stakeholders when it had to be decided what was to be included in the final action plan? One interviewee from civil society stated that the action plan was done on a basis of dialogue with civil society, which had representation on the JWG, which also helped formulate the original 62 proposals in 2013 that served as foundation for the action plan’s development in early 2014. However, regardless of the dialogue, the state had the final say on making the final decisions of what went into the action plan.

In the words of a civil society leader on the JWG, “ultimately the government decided” what was included in the action plan; the government took the lead but also respected its dialogue and participation with civil society. For example, of the 62 initial proposals made by civil society, and despite DPER reviewing all of them, civil society members estimate that around

half made it into the final action plan.<sup>13</sup> Further, some suggestions by civil society were either deemed impossible to do (e.g., recommendations on constitutional change) or needed to be reformulated or “toned down.” The latter is seen in the civil society forum’s desire to include participatory budgeting (where citizens would decide how local authority budgets’ are spent), while the Department of Environment, Community and Local Government said that local representatives should maintain this power. Both sides reached a compromise, deciding to include in the action plan an explanatory study to examine how citizens may engage in local authority budgetary processes (Action 2.4.3, discussed later). Finally, many civil society interviewees highlighted that some of the initiatives that eventually made it into the action plan were already part of the Programme for Government since 2011 or were issues that the government had been actively seeking legislation previous to OGP, as seen in the whistle-blowing legislation, reform of the FoI, and lobbying regulation. This final point on some initiatives, having predated the formulation of the action plan, is actually quite acceptable and allowed by the OGP framework, even though it may limit the novelty value of the action plan.

<sup>1</sup> “IAP2 Spectrum of Political Participation,” *International Association for Public Participation*, accessible at [bit.ly/1kMmlyC](http://bit.ly/1kMmlyC).

<sup>2</sup> A full list of civil society representatives as well as list of the minutes of the 25 April 2013 meeting, accessible at [bit.ly/1PeOXPS](http://bit.ly/1PeOXPS)

<sup>3</sup> Source of data for the cost of these meetings in July and August 2013 is accessible at [bit.ly/1ZKllp](http://bit.ly/1ZKllp)

<sup>4</sup> See the Citizen Participation working group’s proposals in full at [bit.ly/1JWBjyB](http://bit.ly/1JWBjyB)

<sup>5</sup> See the Technology & Innovation working group’s proposals in full at [bit.ly/1Jg861o](http://bit.ly/1Jg861o)

<sup>6</sup> See the Accountability working group’s proposals in full at [bit.ly/1U9T4uP](http://bit.ly/1U9T4uP)

<sup>7</sup> See the Transparency working group’s proposals in full at [bit.ly/20cwN2X](http://bit.ly/20cwN2X)

<sup>8</sup> For a full report on this, please see [bit.ly/1PDABCP](http://bit.ly/1PDABCP)

<sup>9</sup> DPER, *Action plan 2014–16*, July 2014, page 35

<sup>10</sup> Such discussions and proposals can be seen in the Civil Society Forums’ summary notes, which can be found on <http://www.ogpireland.ie/national-action-plan/>

<sup>11</sup> For the final version, please see [bit.ly/1JWCUED](http://bit.ly/1JWCUED)

<sup>12</sup> All quotes in the following bullet points are taken from Civil Society’s comments (dated April 10) to the Draft action plan of April 8, accessible at [bit.ly/1ZKlkGk](http://bit.ly/1ZKlkGk)

<sup>13</sup> This idea of having tabled more proposals than were eventually adopted is also reflected in the *Forward* by Civil Society Representatives in the action plan of July 2014 (page 5), where they state ‘At the outset, civil society groups developed and contributed a more ambitious set of proposals for opening up government. These proposals formed the basis for collaboration with government representatives. We aspired to stronger and more ambitious commitments in several areas....’

# III | PROCESS: ACTION PLAN IMPLEMENTATION

This section assesses the implementation of the action plan during its first year. As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. However, this section highlights the lack of development of the Implementation Review Group (IRG), which was supposed to monitor the implementation of the action plan as a whole. This section considers various factors to explain this lack of implementation.

## REGULAR MULTI-STAKEHOLDER CONSULTATION: EXPLAINING THE LACK THEREOF IN THE IRISH CASE

Regarding its implementation and review process, Article 7.1 of Ireland's action plan 2014–16 outlines that the primary responsibility for implementing individual actions lay with the public body taking lead. An "Implementation Review Group" was also outlined in the action plan to be set up to monitor the progress of the Plan as a whole (Article 7.3).

As the government notes in its mid-term self-assessment report (Section 2B), consultation did take place when some of the *individual actions* were implemented. In Section IV of this report, we will see many instances in which stakeholders were consulted—sometimes exhaustively, as seen in Action 3.4—during the implementation of some of the actions.

However, consultation on the monitoring of implementation *as a whole* (the main focus of this section) has been less satisfactory. Shortly after the action plan was released, there were attempts to create a regular multi-stakeholder consultation on OGP implementation *as a whole*. Even so, this effort ultimately has not advanced strongly, and there is no consultation mechanism in place.

With this lack in mind, the rest of this narrative first considers the attempts to develop the Implementation Review Group (IRG) of the action plan as a whole, and then it seeks to explain why the IRG was not developed. This explanation serves as a foundation to better understand the third recommendation highlighted in Section VII of this Report.

First, although the primary responsibility to implement each of the individual actions was assigned to the Department, also assigned lead responsibility (Article 7.1 of the action plan). When we examine developments in some of the individual actions below we will see how this has been successful. The attempts to develop the Implementation Review Group to monitor the action plan as a whole is based on Article 7.3 of the action plan which stated the following:

*An Implementation and Review Group (IRG) composed of representatives of civil society and Government Departments will be established to monitor and oversee progress in respect of the Plan as a whole [emphasis added]. This group would be expected to meet at least every three months and publish a progress report on a six monthly basis.*

Article 7.5 of the action plan also stipulated that "[t]he work of the IRG will provide the opportunity to identify the particular civil society organizations and individuals that will support the implementation of each action."

Because an IRG was not developed prior to publishing the action plan, between December 2014 and July 2015, there were various efforts to establish an IRG to monitor the action plan *as a whole*, which can be summarized:

- 9 December 2014: The first meeting was held between public service and civil society to set up IRG, with progress update of the action plan. The meeting discussed the role that IRG would play and the mechanism to appoint members to IRG.

- 21 January 2015–6 February 2015: DPER sought the civil society members views' on the numbers (from civil society and government) to serve on the IRG, geographic and gender balance on the group, and the nature of the chair (i.e., joint rotating) for the group.
- 30 March 2015: Having reflected on the views received, DPER advised that it sought to reflect further on the final approach for model of the IRG, in order to ensure that it was consistent with a main principle of promoting citizen participation in the OGP process.
- 13 April–14 July 2015: There were further meetings to discuss options to widen public consultation (13 April), with outlined themes to be considered (21 April), later discussed (6 May), and a consultative event later (14 July). In two of these meetings (15 April and 14 July), progress updates on the individual actions is also given.<sup>1</sup>

In sum, several meetings over the first year of the action plan were held and attended by various actors from both government and civil society. Many actors were also seen in the final meeting of 14 July 2015, which was attended by the IRM researcher. This meeting reflected on, amongst other things, the design, structure, and organization of an IRG to review the action plan's progress; an IRG has yet to be constituted by September 2015, as also evidenced in the government's one-year self-assessment report.

There are at least two broad factors why the Implementation Review Group has not advanced as expected, related to the role of the government and actions of civil society.

On the one hand, the government has stated that the reason for the delay is that it seeks to have wider participation from the public at large during the implementation phase. Yet, this still does not explain fully why the actual time-lag of holding the first meeting with civil society to establish the IRG was in December 2014 (some 5 months after action plan was published) and why a larger consultative process with all citizens did not start sooner.

On the other hand, a second factor that explains the lack of establishment of the IRG relates to Irish civil society organizations themselves. Many civil society organizations made a considerable effort in the development of the action plan, through both the JWG and the civil forum, as discussed earlier. Even so, another round of negotiations to set up the IRG was difficult, because many members of civil society did not have, as one leading civil society member stated, "the desire and energy" to set up another working group. This lack of desire among civil society may have been a function of the "messy dynamic" between some of the key players who, simply put by three interviewees, did not want to work further with each other. This lack of cohesion in civil society has meant that it has been doubly difficult for the government to establish an IRG given the lack of agreement on (or undefined process on deciding) which members of civil society should be on board the IRG.

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<sup>1</sup>This account of the various meetings held is based on information found on [bit.ly/1T50IO3](http://bit.ly/1T50IO3)

# IV | ANALYSIS OF ACTION PLAN CONTENTS

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries. The IRM uses the following guidance to evaluate relevance to core open government values:

## ACCESS TO INFORMATION

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;
- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;
- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;

- May cover both making data more available and/or improving the technological readability of information;
- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information;
- Should strive to meet the 5 Star for Open Data design ([bit.ly/1OwytPE](https://bit.ly/1OwytPE)).

## CIVIC PARTICIPATION

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum ([bit.ly/1kMmLYC](https://bit.ly/1kMmLYC)).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;
- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions;
- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision making process.

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

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

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

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as “access to information”);
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.

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

## PUBLIC ACCOUNTABILITY

Commitments improving accountability can include:

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

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

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);
- Citizen audits of performance;
- Citizen-initiated appeals processes in cases of non-performance or abuse.

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

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

A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would **not** qualify as an accountability commitment. See [bit.ly/1oWPXdl](http://bit.ly/1oWPXdl) for further information.

## TECHNOLOGY AND INNOVATION FOR OPENNESS AND ACCOUNTABILITY

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

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration.
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions.
- Working to reduce costs of using these technologies.



Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability;
- May support the use of technology by government employees and citizens alike.

Not all e-Government reforms improve openness of government. When an e-Government commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

## KEY VARIABLES

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

While most indicators used to evaluate each commitment are self-explanatory, a number deserve further explanation.

1. **Specificity:** The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are:
  - High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)
  - Medium (Commitment language describes activity that is objectively verifiable, but does not contain clearly measurable milestones or deliverables)
  - Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)

- None (Commitment language contains no verifiable deliverables or milestones)
2. **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
    - OGP values: To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made a judgment from a close reading of the commitment's text. This judgment reveals commitments that can better articulate a clear link to fundamental issues of openness.
  3. **Potential impact:** The IRM researcher evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
    - To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher's findings and experience as a public policy expert. In order to assess potential impact, the IRM researcher identifies the policy problem, establishes a baseline performance level at the outset of the action plan and assesses the degree to which the commitment, if implemented, would impact performance and tackle the policy problem.

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at [bit.ly/1rki45i](http://bit.ly/1rki45i). Finally, one indicator is of particular interest to readers and useful for encouraging a race to the top between OGP-participating countries: the starred commitment. Starred commitments are considered to be 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, Ireland's action plan contained four starred actions, namely:

- Action 2.3: Three referenda in 2015
- Action 3.1: Develop and implement ethics reform
- Action 3.4: Secure approval of lobbying regulation
- Action 3.5: Increase awareness of whistleblower protection

Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, Ireland's action plan would have received an additional nineteen starred actions [actions 1.1, 1.2, 1.4, 1.5, 1.6, 2.2.1, 2.2.2, 3.2, 3.3, 2.5.1, 2.1, 2.4.1, 2.4.2, 2.6.1, 2.6.2, 2.6.3, 2.6.5, 2.6.6, 2.7.2]

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 and all OGP-participating countries, see the OGP Explorer.<sup>1</sup>

## GENERAL OVERVIEW OF THE COMMITMENTS

After the presentation of the Draft Action Plan, which was negotiated with members of civil society and presented in Dublin Castle in May 2014 (in Section II), no significant changes were made to the plan that was approved in July 2014.

There are *three main areas* (which can also be referred to as three main sections) in Ireland's Action plan, resulting in 20 commitments, with ten 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. The three main sections are considered in turn.

In the first area, which has eight actions, there is a commitment to 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, for any purpose, to freely use, modify, and share government-held data.<sup>2</sup> This free access to information seeks to improve public services and foster greater transparency and accountability. An example of an innovative policy to promote openness is seen in the desire to establish Ireland's Open Data Platform (Action 1.2), where data from different departments will be available in open machine-readable formats, which can be searched for by citizens on a centralized portal. So, for example, if a citizen seeks to access publically available data on hospital waiting lists, this portal will serve as a centralized basis where this information can be searched. Other actions in this area include auditing, which databases from different state agencies will publish on the platform in the future (Action 1.3), and developing institutional structures to ensure governance and oversight of the implementation of open data policy (Action 1.5).

The second main area of the action plan, where there are five actions, relates to fostering citizen participation through greater citizen consultation and involvement. An overall objective in this second area is to improve public services and strengthen Irish democracy by way of allowing citizens a voice in decisions that impact their lives. This is particularly important for Ireland in the context of the economic crisis, which resulted in a big mistrust in government. Such action plan actions were therefore aimed to increase participation, increase citizen knowledge, decrease apathy, foster political engagement, and increase trust in the state. An example that raised international headlines was holding a Marriage Equality Referendum in Ireland (Action 2.4).<sup>3</sup> Another particularly important example to civil society during the development of the action plan was to establish policies aimed at increasing participation in local government (Action 2.4).

The third main area of the action plan, where there are five actions, was to pursue policies that strengthen

governance and accountability, related to rebuilding trust in government. Actions in this area broadly seek to increase the transparency with “what goes on in government,” shining light on the conduct, behavior, and actions taken in state institutions, and adding transparency to the relationship between the government and private actors, particularly lobbyists. Similar to the second area of the action plan (above), this third area was particularly salient, given the lack of trust many citizens felt as a consequence of the sometimes-opaque process of government during the economic crisis in Ireland, and the perceived corrupt relationship between the government and some private actors (particularly developers and banks) during that time.

The main difference between the commitments in the second part of the action plan and those in the third area, however, is that the overall scope of the third area clearly deals with the idea of regulation, or establishing rules that public officials and private actors must follow, ultimately helping to ensure transparency and accountability in public institutions. Examples of such policies committed to include

- establishing a framework for the ethical behavior of public actors, including politicians and civil servants serving in office (Action 3.1);
- strengthening and reforming Freedom of Information (Fol) legislation, which allows citizens to better see what goes on public bodies (Actions 3.2 and 3.3);
- outlining regulations that lobbyists must follow when seeking to influence both politicians and high-level civil servants working in institutions, in order to help better understand who is trying to influence whom about what (Action 3.4); and
- increasing awareness of whistleblowing legislation (Action 3.5).

## CLUSTERING

Clustering of the Actions in the 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.

As seen in most cases, a cluster was done for those

actions within one of the three sections of the action plan. For example, Actions 3.2 and 3.3 were both related to freedom of information, where the former related to strengthening Fol and the latter, reforming the Fol. From this perspective, both of the actions had a common theme, where two different aspects of the same policy area are considered, so they are clustered. Another example relates to clustering Actions 1.1, 1.2, and 1.3 on the formulation of open data strategy. The first action considered the establishing “best practice standards” for open data; the second, the establishment of the open data portal forum itself where the data is to be housed; and the third, related to auditing key data bases to go on the portal.

The following summarizes the Actions within the same respective Section of the action plan which were clustered:

### Cluster 1: Open Data (Section 1 of action plan)

- Open Data A: Action 1.1, 1.2, and 1.3 (Establishing Best Practice Standards for Open Data, Establishing Open Data Portal, and Audit of Key Databases)
- Open Data B: Actions 1.4, 1.5, 1.6, 1.7 (Roadmap for Open Data; Establishing Governance Structures; Signing Up to G8 Charter; Implementation of Policy.)

### Cluster 2: Citizen Participation (Section 2 of action plan)

- Actions 2.2 (2.2.1, 2.2.2) and 2.3 (Measures to Increase citizen participation in public policy and holding 3 referenda)

### Cluster 3: Fol – (Section 3 of action plan)

- Actions 3.2 and 3.3 (Fol—Implementing Code and Reform)

### Cluster 4: Support Youth as Citizens and School Strategies (Section 1 and 2 of action plan)

A fourth cluster was made of actions found in two separate sections of the action plan, particularly the first and the second sections. This clustering was done because themes in the actions had the commonality of being initiatives related to youth, where the subsequent cluster is titled:

- Support Youth as Citizens and School Strategies, which consists of **Actions 2.5** (Supporting Chil-

dren and Young People as Citizens, which has 3 sub-commitments) and **Action 1.8** (Digital Strategy for Schools.)

**Standalone Actions:**

Other actions were standalone and could not be clustered. This is seen particularly in Section 3 of the plan, where there were initiatives on ethics reform, lobbying regulation, and whistleblowing. In other cases, as seen especially in Section 2 (Action 2.6), the action itself was so large that it was deemed more appropriate to examine it independently.

- Actions 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).
- Action 2.4 (Increase participation and local level, which has 3 sub-commitments)
- Actions 2.6 (Customer improvements to be implemented for citizens through technology, which has six sub-commitments)
- Action 2.7 (Review complaints procedures, which has 2 sub-commitments)
- Action 3.1 (Ethics reform)
- Action 3.4 (Lobbying regulation)
- Action 3.5 (Whistleblower duties)

As such, as found in the rest of Section IV, there are therefore 12 separate analyses of the action plan contents and therefore 12 different subsections.

**Editorial note:** Although actions were clustered, their numbering was left as outlined in the action plan. The different milestones in Action 2.6 were provided numbers to facilitate readability.

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<sup>1</sup>Open Government Partnership," <http://www.opengovpartnership.org/explorer/landing>

<sup>2</sup>Based on the definition outlined by the project of Open Knowledge, accessible at [bit.ly/1yxVGXM](http://bit.ly/1yxVGXM).

<sup>3</sup>Ireland votes to approve gay marriage, putting country in vanguard", The New York Times, May 23, 2105, [nyti.ms/1Q2YO6d](http://nyti.ms/1Q2YO6d)

## 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: 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				POTENTIAL IMPACT				COMPLETION			
	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
1.1 Establish best practice standards				X	X		X				X				X	
1.2 Establish open data platform				X	X		X	X			X					X
1.3 Carry out Audit of Key Data Sets			X		X		X	X			X			X		

**Editorial note:** Under the old criteria of starred commitments, actions 1.1 and 1.2 would have received a star because they were clearly relevant to OGP values as written, had moderate potential impact, and had been substantially or completely implemented. (Note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non-expert terms

The action plan's open data policies are aimed to allow people to freely use, share, modify, and re-use data that is held by state public bodies. Having this information will allow for citizens and business alike to be able to better see what is going on in government, fostering transparency. Open data will allow public bodies to be responsible for their actions and more disciplined in how they report them, fostering accountability. This will in turn encourage citizens to make better-informed choices and have better-informed position gained from examining open data sets, which fosters public participation, by way having more information on hospitals, schools, areas where crime rates are high, and so forth.

Action 1.1 is broadly concerned with setting the standards on how open data should be reported. For example, for a dataset to be "open," it must be published under an open data license; so what open data license should be used? Action 1.2, guided by the standards of Action 1.1, seeks then to establish a centralized portal where all available data that is produced can be published on the Internet. Examples of such data include health, education, crime, environment, and transport. In order to maximize the amount of open data available on the Portal, the objective of Action 1.3 is for all govern-

ment bodies to perform an audit to see which key data sets can be available for publication.

### Before and after OGP – completion?

Before Ireland began participating in OGP, the government did little in terms of establishing best practice standards for open data, establishing an open data platform, or performing an audit of key databases to be published by the state. After the action plan was adopted, however, substantial progress has been made on particularly two fronts. First, the government held consultation with different stakeholders regarding the technical framework that guides open data in Ireland (discussed in the next section), 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,<sup>1</sup> and after continual additions throughout the year of implementation, it now houses over 1,000 databases. Further, more government departments beyond DPER are being audited, where publication of more databases is being planned. It should be noted that after the closing of this reporting period, further progress has been made to push the open data agenda in Ireland. In November 2015, the Minister for Public Expenditure and Reform, signed

statutory regulations to transpose Directive 2013/37/EU<sup>2</sup> on the re-use of Public Sector Information (PSI) into Irish law.

### **Government and non-government view of what happened**

There were three consultation events on open data held by the government: the first, with public bodies, was on 29 July 2014; the second (open) event was on 8 September 2014; and the third was a workshop on 19 February, 2015. This third event, attended by both open data users and publishers, discussed key issues on strategy and the development of the portal. It is estimated that 35% of participants came from the public sector, 30% from industry, 23% from research, and 12% from civil society and media.<sup>3</sup> Themes discussed included the need for standardized, machine-readable data, licensing, and the importance of metadata. At this time, further consultation was opened up to consider the various options for an open data license to be used in Ireland, in order to ensure interoperability with other data sets and to facilitate use and reuse. This consultation resulted in 14 submissions, which were later published online in May 2015, where submissions were received by civil society actors (i.e., Wikimedia Community Ireland, Open Knowledge Ireland) and by public bodies (i.e., Department of the Environment, Community and Local Government, the Office of the Attorney General).<sup>4</sup> The submissions informed two documents that were published in June 2015, the *Foundation Document for the Development of the Public Service Open Data Strategy* and the license elements of the *Technical Framework for Open Data*.<sup>5</sup>

Evidence of stakeholder impact is reflected in the fact that the government later argued in the *Technical Framework* document that it took into account the “broad support for the use of the Creative Commons Attribution (CC-BY) license from the respondents,”<sup>6</sup> a view consistent with evidence found in the submissions by the IRM researcher. For example, civil society actors such as Wikimedia formed part of this “broad support” as indicated in its submission.<sup>7</sup> However, other civil society leaders did also note that the consultation process could have been more inclusive and that “a wide audience of ordinary citizens have not been incorporated into this call for a public consultation by using well known news and social media channels.”<sup>8</sup> The government claims, however, that consultation was highlighted

on social media through, for example, Tweets from <https://twitter.com/irldeptper> and @govdotie. Other civil society actors have noted in interviews that there is only a limited list of databases available on the Portal (discussed in more detail in “Moving Forward.”)

### **Outputs and challenges**

It is clear that while there have been consultations about standards, and a functioning portal has been established online, the government still has the challenge of consistently auditing datasets from all the key departments in an ongoing basis. All users who seek to make use of open data, however, face a further challenge when performing searches on the portal. In its *Technical Framework* document, the government has stated that “for inclusion in the Open Data Portal, public bodies must publish data at a minimum of 3-star Open Data, such as CSV, JSON, or XML.” Yet, at the end of September 2015, the IRM researcher found cases where data found is of only 1 Star quality (e.g., PDF) or 2 star quality (e.g., Microsoft Excel).<sup>9</sup>

## **DID IT MATTER?**

### **Impact and ambition**

The main objective of the commitments has been to define an open data strategy, to develop a portal that serves as hub to access the data, and to perform audits amongst key departments, in order to maximize the amount of and ensure the quality of the data that is available to users. Taken together, the broad objectives of the actions have been the *formulation* a strategy on open data (particularly with regard to a technical framework) and the development of a centralized portal. Before OGP participation, these commitments to open data did not form a major part of the government’s strategy, so the impact of the new actions are more than minor and can be considered moderate, since the strategy allows best practice frameworks on how open data can be used. The strategy is also set to publish datasets that may have a high economic and social impact. Such access to information allows for increased transparency and thereby allows users to make more informed choices on public services. Further, such innovation through technology will help foster not only transparency but also accountability. Its potential impact is more moderate rather than transformative, because data itself is unlikely to transform business as usual in any policy

area: for data to contribute to transformation, there is always the core limitation that mobilization always needs to happen around and use the data.

### Has it set out what it was meant to do

Considering the wording of the Actions, Actions 1.1 and 1.2 have seen substantial advancement: an open data strategy has been published (although at the time of writing, the latest round of submissions from stakeholders still need to be taken into account as the dialogue on the commitment continues) and an open data portal has been established, containing over 1100 datasets. Action 1.3 is still to be fully acted on, however. From this perspective, the actions are setting out on what was meant to be done, which will set the stage for a more robust policy. However, as argued in the next section on 'moving forward', stakeholders are concerned that the portal itself is limited in terms of what it is actually offering at this stage.

fact that data has not necessarily been reported with a minimum of 3 Star quality (see section above), result in a situation where considerable effort must be made by the government to address these issues. While the state argues that there is, of course, a learning curve for public bodies (who are presently also auditing key databases, Action 1.3) to tend to these issues, addressing them over the next year of the action plan (and potentially in action plan 2) will ensure full compliance with the overall strategy and technical framework guiding Actions 1.1.

## MOVING FORWARD

### Next steps and potential recommendations

A main concern from different users of the data is that the government has not fully considered publishing the types, quantity, and quality of data that users are seeking. Writing in July 2015, a member of civil society wrote that only one of the "wish-list" of datasets that had been called for in April 2014 (including but not limited to datasets on waterways, soil data, crime statistics, health prescription data, pollution levels, and so forth), had been "published in an open format or under an open license."<sup>10</sup> From this vantage, the portal does not at present offer as much as it should. The copyright of much of the data available on the webpage rests with each of the individual departments/public bodies that publish the data. At the time of the reporting period, one interviewee stated, it is unclear how the data presently found on the portal can be used or reused from a legal perspective. These points, coupled with the

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<sup>1</sup> Ireland Data Portal," [bit.ly/1ZN9EHE](http://bit.ly/1ZN9EHE)

<sup>2</sup> Directive can be found here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:175:0001:0008:EN:PDF>

<sup>3</sup> Open Data Workshop," Open Government Ireland, March 25, 2015, [bit.ly/1ZN9EHE](http://bit.ly/1ZN9EHE)

<sup>4</sup> Full list of submissions, accessible at [bit.ly/23fliJw](http://bit.ly/23fliJw)

<sup>5</sup> Both of these documents can be found on [bit.ly/1S5hNRD](http://bit.ly/1S5hNRD)

<sup>6</sup> DPER, *Technical Framework for Open Data*, 2015, p. 7

<sup>7</sup> Wikimedia's submission, accessible [bit.ly/1JYLhPY](http://bit.ly/1JYLhPY)

<sup>8</sup> Flora Fleischer's submission, accessible at [bit.ly/23fliJw](http://bit.ly/23fliJw)

<sup>9</sup> See for example, on the theme of 'Education' in the Portal, on 1 Star quality, [bit.ly/1JYLSkF](http://bit.ly/1JYLSkF); and on only 2 star, [bit.ly/1naiUE7](http://bit.ly/1naiUE7)

<sup>10</sup> Flora Fleischer, "The Irish Open Data Wish list: Is Ireland failing to keep its Open Data promises and falling behind international best practice?," Open Knowledge Ireland, July 22, 2015, [bit.ly/1OGSrFj](http://bit.ly/1OGSrFj)



## 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 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](http://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: Department of Public Expenditure and Reform

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

Start date: June 2014

End date: 30 June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	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
1.4 Establish a roadmap for the Open Data				X	X		X				X				X	
1.5 Establish governance structures				X	X	X	X				X				X	
1.6 Sign up to G8 Open Data Charter				X	X						X				X	
1.7 Implement Open Data		X			X	X	X				X				X	

**Editorial note:** Under the old criteria of starred commitments, actions 1.4, 1.5, and 1.6 would have received a star because they are clearly relevant to OGP values as written, have moderate potential impact, and have been substantially or completely implemented. (Note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non expert terms

If the main objective of the previous analysis in Cluster 1A has been the formulation of a strategy on open data particularly with a technical framework and developing a centralized portal, then the main ambition of 1.4, 1.5, 1.6, and 1.7 is to ensure an effective implementation of open data actions. This includes setting out a roadmap for implementation and outlining the institutional structures to oversee the roadmap. In more detail, the main objective of Action 1.4 is to establish a roadmap for the implementation of open data, outlining the steps for open data development over the next three years. Action 1.5 establishes the governance structures that will oversee the development of the roadmap in Action 1.4. This roadmap is informed by and takes into account the G8 Open Data Charter, for which Ireland will sign up (Action 1.6). In order to ensure the implementation of the roadmap, the action plan outlines in Action 1.5 that two governance bodies that are to be developed are the following: the Steering and Implementation Group (SIG, which makes the detailed implementation plan based

on the Roadmap as specifically outlined in Article 1.5 and Article 1.7) and the Open Data Ireland Governance Board (ODIGB, which oversees and approves the work of the SIG, and reports to the government.)

### Before and after OGP-completion?

Before the OGP process, the government did little to establish a roadmap of objectives over three years for the implementation of the policy, and little was done to establish the governance structures. After the action plan was adopted, a roadmap was completed in 2014. The government states that roadmap objectives in the short to medium term have been largely achieved, and some of the governance structures (particularly the SIG, which has been renamed the Public Bodies Working Group, PBWG) have been attained, although naming the ODIGB is still in process as of the end of September 2015, as is full implementation of the G8 Charter. Overall, while substantial progress has been made, civil society has nevertheless held a critical view of what has happened during the first year of the action plan, to which attention is now paid.

## Government and non-government view of what happened

The government's view of what happened, particularly with Action 1.4, which is the main commitment binding all of the actions in this Cluster is that that a roadmap has been developed that sets out a detailed three-year plan for objectives.<sup>1</sup> This has subsequently helped inform the development of the foundation document for the development of a national open data strategy, which was released in June 2015.<sup>2</sup> The government states in its self-assessment report that the "short and medium term objectives" have largely been achieved. It also argues that establishing the ODIGB and SIG, both outlined in Action 1.5, has been "completed."

However, even if the roadmap can be considered complete by the government, interviewed civil society actors maintain that more consultation with them on the roadmap could have taken place, and they raise concerns that the objectives within the first and second year of the roadmap have been obtained. For example, the roadmap states that within the first year, there would be a [development] of links with civil society organizations, the business community and citizens to allow the public to provide feedback on the most important data they would like released.<sup>3</sup> Such links are vital to increasing citizen participation in the policy process of open data. Further, within the second year, a main objective should be to make "key data sets available." However, stakeholders in interviews argue that neither has taken place. With regard to feedback on the most important data citizens would like to see released, at the close of the reporting period the portal shows a feature for "Requests" in the left side menu and a "Data Requests" in the bottom of the page. The IRM researcher was unable to access those features through an archive search in the internet.<sup>4</sup> During the review process for this report the site was updated and now has a feature to "Suggest Datasets."<sup>5</sup> According to the Internet Archive Wayback Machine, the new site appears to have been saved for the first time 18 July 2015, just shortly after the closing of this reporting period. The IRM researcher is unable to tell if these two features had the same functionality in these two different time frames. Having said that, although the feature for suggesting datasets is available now, its progress will be assessed further in the end of term

report. Beyond this, it would also be useful if the government more clearly and explicitly stated—and made publically available—the list of the "short and medium-term objectives [of the roadmap] that have largely been achieved," as no link to this can be found in the self-assessment report.

Additionally, as civil society representatives stated, they were promised in the negotiation of the action plan in Article 1.5 that the Steering Implementation Group should be comprised of "representatives from public bodies, industry, academia, and civil society." As the IRM researcher has verified, however, the members of the Public Bodies Working Group (PBWG) are exclusively from various government departments, public bodies, state agencies, or academic institutions: not one member from civil society or industry form part of the PBWG as originally outlined in the SIG for Action 1.5.<sup>6</sup> Of the twenty members on the PBWG, there are three members representing academia: one from NUI Maynooth as well as two from the Digital Repository of Ireland, which is a "a research consortium of six academic partners working together to deliver the repository, policies, guidelines and training"<sup>7</sup> All the other 17 members of the PBWG are from the following: Central Statistics Office (2 members), Fingal County Council, Department of Arts Heritage and Gaeltacht, Office of Public Works (2 members), National Roads Authority, National Transport Authority, Revenue Commissioners (2 members), Marine Institute (2 members), Department of Environment, Community and Local Government, Ordinance Survey Ireland (2 members), and DPER (2 members). In other words, there are not representatives on the SIG from either civil society, or industry, contrary to what was outlined to take place in Action 1.5. Moreover, although applications for the ODIGB are being considered, this body has not been set up as of 30 September 2015. At the time of writing, it is not clear what the composition will be (i.e., members from civil society or industry), but given that this is an open process, it is expected that this will be better known when final appointments will be made in the second year of the action plan.

## Outputs and challenges

There has been substantial progress that has outputs and has started to set up governance structures. However, the government could be more explicit and clear

of some of the short- and medium-term objectives that have not been achieved and the steps the SIG is going to take to implement the strategy. Moreover, although the SIG (renamed PBWG) is in place, it has not lived up to the commitment in the action plan to have a wide array of membership that also includes stakeholders from civil society and industry. According to government, it was later considered that the SIG (PBWG) should be comprised of representatives of public bodies given the technical nature of its work, and that the governance board should provide leadership of open data and be comprised of representatives of civil society, academia and business (users). It is unclear to the IRM researcher, however, why this position regarding the composition of the PBWG was later taken by the government: one may argue that open data experts from civil society and industry have the equivalent, if not more, technical expertise than public bodies, and therefore should be represented in the PBWG. Nevertheless, substantial progress has been made in attracting a wide array of applicants to become members of the Open Data Ireland Governance Board (ODIGB), given that on 30 June 2015 there was a launch of expressions of interest for the ODIGB. One challenge faced is to set up this Board (which is to be concluded shortly in year two of the action plan) and make sure there is effective interaction with the SIG. Substantial progress has also been made on signing up to the G8 Charter, with the aim of making full progress by 2016.

## DID IT MATTER?

### Impact and ambition

Considering that before OGP participation, these commitments were largely absent from the government's strategy; considering that, the impact of the new actions are overall moderate. Proper implementation of the policy – and effective regulation of this through a governance structure to oversee the implementation – will ensure that open data is available to citizens. This will therefore increase transparency in terms of what is “going on” in governmental bodies that are producing the data and who are therefore held more accountable. It also ensures that the governance boards are overseeing the overall open data process, ensuring effective implementation of the policy.

### Has it set out what it was meant to do

In many respects, the actions have set out what they meant to do: a roadmap has started to be established (Action 1.4), governance structures are starting to come into place to implement the policy (Actions 1.5 and 1.7), and progress is being made with the G8 Charter (Action 1.6). However, the composition of the SIG is somewhat at odds with what was stated in the original action plan; and the ODIGB has yet to be fully set up (although there are clear signs that this will take place in year 2 of the action plan). In the absence of it having been set up, it is difficult to evaluate whether or not the ODIGB has set out what it was meant to do. Particularly, with regard to the dynamic of its relationship with the SIG and how has it helped aiding in developing the strategy for Open Data for approval by the government as outlined in Action 1.5. Further, it is unclear whether the short- and medium-term goals of the three-year roadmap have “largely been achieved,” and more evidence could be provided by the government to demonstrate this achievement.

## MOVING FORWARD

### Next steps and potential recommendations

While substantial progress has been made, recommendations based on problems identified in the previous sections should be addressed either in the next year or in the next action plan. These include:

- More clearly stating what are the short- and medium-term objectives of the roadmap that have been achieved, and addressing why those not achieved have not been so. To this end, interviewees from civil society indicate that more dialogue and information sharing is required.
- Re-evaluating why the present membership of the PBWG does not include civil society and industry representatives, that could potentially secure a plurality of views present to ensure implementation. One of the reasons this is so important, beyond the fact that this was explicitly envisaged in Action 1.5 of the NAP, is that the PBWG is entrusted to drive progress in making public sector data much more widely available and accessible. Having membership from those who are not from state institutions may therefore help ensure that efficient progress is

made and in line with stakeholders' expectations. Civil society advocates in the open-data field have strong technical expertise and experience to offer.

- Including a plurality of actors, stakeholder groups, and particularly civil society represented in the ODIGB.

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<sup>1</sup>Deirdre Lee, Stefan Decker and Richard Cyganiak, "Open Data Ireland: Roadmap", Insight Centre for Data Analytics, NUI Galway, May, 2014, [bit.ly/1ZPoiOI](http://bit.ly/1ZPoiOI)

<sup>2</sup>Department of Public Expenditure and Reform's, " [bit.ly/1S5hNRD](http://bit.ly/1S5hNRD)

<sup>3</sup>The Roadmap can be found at the bottom of the page <http://www.per.gov.ie/en/open-data/> The quotes on short and medium term objectives (i.e. years 1-2) are taken from page 7 of the Roadmap document.

<sup>4</sup>[Data.gov.ie](http://Data.gov.ie), accessed January 28, 2016, <https://web.archive.org/web/20150627054238/http://data.gov.ie/>

<sup>5</sup>[Data.gov.ie](http://Data.gov.ie), last accessed January 28, 2016, [data.gov.ie/data/](http://data.gov.ie/data/)

<sup>6</sup>The membership of the Public Bodies Working Group as of June 2015 can be found on DPER's *Open Data Technical Framework*, page 3, accessible at [bit.ly/1KtnSBb](http://bit.ly/1KtnSBb).

<sup>7</sup>Digital Repository of Ireland, " [bit.ly/1nc9zel](http://bit.ly/1nc9zel)



## 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 Fol;*

*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:

Action 2.2.1: Houses of the Oireachtas

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

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

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				POTENTIAL IMPACT				COMPLETION			
	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
2.2.1 Systematic pre-legislative scrutiny of draft Bills				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	
★ 2.3 Hold three referenda in 2015				X		X						X			X	

**Editorial note:** Action 2.3 is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented. Under the old criteria of starred commitments, actions 2.2.1 and 2.2.2 would have received a star because they are clearly relevant to OGP values as written, have moderate potential impact, and have been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non-expert terms

The following actions are aimed at fostering citizen participation in decision making, increasing public integrity, and promoting the culture of transparency and accountability. These goals are achieved in three ways. First, Action 2.2.1 introduced the procedure of pre-legislative scrutiny, which allows individuals, civil society organizations, and interest groups to participate via consultation to decision making early in the legislative process. Second, under the Aarhus convention, Action 2.2.2 implements a database to record the requests for information on the environment. Similar to FoI requests, this commitment represents a 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. The Constitutional Convention was a decision-making forum of a little over 100 people: 66 citizens, randomly selected and broadly representative of Irish society; 33 parliamentarians, nominated by their

respective political parties; and an elected representative from each of the political parties in the Northern Ireland Assembly.<sup>1</sup> The convention was established in 2012 and was aimed at discussing changes in the Irish constitution. 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.

### Before and after OGP - completion?

Before OGP participation, the actions were pre-existing policies. For example, Parliament expanded and formalized the pre-legislative consultation phase of legislation in November 2013. Under this form of consultation, ministers could have the heads of a bill reviewed by the appropriate Oireachtas committee before the drafting process had been completed and the bill published. The review process in the committee can involve hearings with stakeholders or invitations to send submissions.



The policy of Access to Information on the Environmental (AIE) was on the agenda of the government since 2013, when the Department of Environment, Community, and Local Government (DECLG) published a circular, outlining the goals of the policy.<sup>2</sup> The same circular entered the action plan later in 2014.

The Constitutional Convention was established in 2012 by a resolution of both Houses of the Oireachtas to consider and make recommendations on certain topics as possible future amendments to the Constitution.<sup>3</sup> The Convention completed its work in 2014. The website offers a narrative of the processes that led to the formulations of the recommendations. The work of the convention included meetings, hearings, and over 2,000 submissions. This represented an experiment of deliberative democracy in modern democracies.

After the action plan was adopted, it opened the debate around active citizenship. The three actions form a cluster that aims at fostering the participation of citizens in decision making. As is seen in the next section, substantial progress overall has taken place in terms of completing the action plan commitments.

### **Government and non-government view of what happened**

From the development of the action plan in 2014 the following goals have been achieved:

- 48 bills in total have been considered under the pre-legislative consultation, resulting in 43 committee reports. The use of pre-legislative scrutiny via committees is expected to continue on an ongoing basis.
- Collection of environmental data for 2013.<sup>4</sup>
- 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.
- Collaboration with civil society groups (e.g., Environmental Pillar, Environmental Law Implementation Group) in bilateral meetings to discuss the implementation of the policy.
- The organization of two referenda held in May 2015. The outcome of the referenda changed the constitution to extend civil marriage rights to same-sex couples but rejected reducing the eligi-

bility age for the presidency. The third referendum outlined in the commitment, reducing the voting age from 18 to 16, was not held. In interviews with the IRM team, the government indicated its belief that it would have been premature to proceed with a referendum on reducing the voting age from 18 to 16 with the other two referenda then in mind for May.

Action 2.3 has been praised for its deliberative nature, particularly the marriage equality referendum, which gained international media exposure. At the implementation phase, action 2.2.1 involved stakeholders' consultation via participation in the pre-legislative scrutiny in parliamentary committees. Action 2.2.2 discussed the technical aspects of the web portal for AIE *environlink* with interested parties, although one civil society leader said that the training sessions to public bodies could have been more fully promoted to extend to a larger audience of civil servants. However, *environlink* is not accessible to the wider public and the statistics on AIE requests are dealt through the portal of the DECLG.<sup>5</sup>

Action 2.2.1 is considered complete. Only two of the three referenda outlined in the original action plan were actually held in 2015, even though the third was not held for valid reasons. Actions 2.2.2 and 2.3 cannot be considered complete, even though very substantial progress has been made.

### **Outputs and challenges**

In terms of future challenges, public engagement in the decision-making process may encounter multiple challenges in the future. For example, forms of civic participation to decision making could slow down the policy making process. Pre-legislative scrutiny could also lead to privileged forms of participation of some interest groups in the Parliamentary Committees. It is important for political institutions to find the right balance between forms of participatory and representative democracy. Concerning Action 2.2.2, raising citizen awareness of the availability and importance of environmental data represents a main future challenge, as does completing the remaining training modules.

## DID IT MATTER?

### Impact and ambition

The main objective of the commitment is to foster civic engagement. The potential impact of the three policies ranges from substantive to transformative.

On Action 2.2.1, the procedure of pre-legislative scrutiny is expected to have substantive effects on the use of forms of participatory democracy. As a result, policy outputs are expected to be closer to the interests of citizens and interest groups. Action 2.2.2, the AIE training module, once completed, might have substantive effects on the transparency levels of government. It remains difficult to evaluate the impact of the policy, as the implementation of the action is ongoing. 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. Further, to have a referendum on marriage equality in a traditional Catholic country (in which divorce was only legalized in the 1990s), and then see same-sex and opposite-sex couples have the right to civil marriage as a result of the referendum, is an important step for Ireland.

the state ensure the availability of resources (staff and funding) in order to ensure these tasks can be done. Further, government may consider offering training for civil society organizations and the public in relation to the Aarhus convention.

- Experiences of deliberative democracy and referenda strengthen the confidence of citizens in public institutions. As a result, they represent useful political tools to promote progress and reform in the future. Similar experiences (not necessarily on constitutional matters, which allow only Irish citizens to vote) could be included in forthcoming action plans. It is recommended that the government hold the remaining referendum that was outlined in the original action plan and also consider which other issues may be opened up for a referendum in the future.

## MOVING FORWARD

### Next steps and potential recommendations

The following are made with respect to each of the actions as follows:

- It is recommended that pre-legislative scrutiny establish itself as a norm when policy makers seek the support or the expertise of civil society and interest groups.
- The main challenge of this cluster in terms of commitments towards the action plan is the completion of Action 2.2.2. The department is in process of collecting data on the environment for 2014 and deliver a second training session on the use and on the relevance of AIE. The announced end date is Q4 of 2015. It is recommended that

<sup>1</sup> "Convention on the Constitution," last accessed 28 September 2015, [bit.ly/1P94WNo](http://bit.ly/1P94WNo)

<sup>2</sup> "European communities (access to information on the environment) regulations", Circular AIE/1/2013, Environment, Community and Local Government, May 22, 2013, [bit.ly/1Aprql](http://bit.ly/1Aprql)

<sup>3</sup> "Convention on the Constitution," last accessed 28 September 2015, [bit.ly/1P94WNo](http://bit.ly/1P94WNo)

<sup>4</sup> "Department of the Environment, Community and Local Government," last accessed 28 September, 2015, [bit.ly/1OJz1Q7](http://bit.ly/1OJz1Q7)

<sup>5</sup> "Department of the Environment, Community and Local Government," last accessed 28 September, 2015, [bit.ly/1OJz1Q7](http://bit.ly/1OJz1Q7)

## 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: 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				POTENTIAL IMPACT				COMPLETION			
	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
3.2 Implement the Code of Practice				X	X		X				X				X	
3.3 FOI reform				X	X		X			X					X	

**Editorial note:** Under the old criteria of starred commitments, actions 3.2 and 3.3 would have received a star because they are clearly relevant to OGP values as written, have moderate potential impact, and have been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non-expert terms

FoI legislation promises that open access to governmental information should result in increased transparency in the policy-making process.<sup>1</sup> Thus, when citizens make FoI requests, they can better understand why the government makes decisions, effectively regulating the actions of public actors and holding them accountable for their actions. Although dozens of countries throughout the world have FoI legislation at this point, academics have noted that sometimes FoI laws do not work very effectively, sometimes existing only in name.<sup>2</sup> With this in mind, and in order to strengthen the functioning of FoI legislation that has been in place in Ireland since 1997, these two commitments have the

following main goals. First, Action 3.2 seeks to provide and implement a “Code of Practice” for FoI. This Code will promote best practice in public bodies in the FoI’s operation, including proactively publishing information that is deemed in the public interest. The action also highlights the need to develop a model that identifies which information is frequently requested by citizens and making this information available readily, so that FoI requests do not need to be made for it. Action 3.2 also highlights the introduction of the legislative footprint, where key documents on each policy will be made available on each department’s website. 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 explicit-

ly states that there will be a removal of the up-front application fee. Similar to 3.2, Action 3.3 also calls for the requirement for public bodies to prepare schemes to promote “the proactive publication of information outside the Fol.”

### **Before and after OGP - completion?**

Before OGP, Fol legislation has 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 there was review of Fol implementation by an external group (which also had civil society members) and a public bodies working group. During the process of negotiating the action plan, Fol issues (particularly relating to the fees) were raised in consultation with civil society and became a focal point during the action plan consultation process. The (new) Fol Act came into force in October 2014, and this was published with the Fol Code of Practice,<sup>3</sup> reflecting the substantial progress that has been made.

The government stated in its one-year self-assessment report that Action 3.2 has an end date of April 2016, where presumably more work will be done on the *legislative footprint*. Action 3.3 has an end date of Q4 2015, by which time public bodies will be required to promote the proactive publication of information outside of Fol. Further, on 1 September 2015, per Action 3.2, Minister Howlin did issue the Fol draft publication scheme for public consultation as part of the implementation of the Fol Act 2014, with submissions to be delivered by the end of September 2015 and presumably analyzed in year two of the action plan.<sup>4</sup>

### **Government and non-government view of what happened**

During the formulation of the policy, the government’s viewpoint is that it took into account the various contributions received from interested parties. There was input from civil society members (such as Transparency International) that had membership in the external review group, which assisted in developing the Code of Practice. But perhaps most salient in this regard was the consultation process when the action plan was being negotiated in 2013–14. During that time, as stated by civil society members in interviews and in the Civil society forum during Public Consultation No. 2, civil society had argued for the abolishing of up-front application fees, something later reflected in the outcome.

In this sense, as one interviewed civil society member stated, “OGP consultation had a direct impact” on the commitment being included in the action plan, and then reflected as the initiative was rolled out in the first year.

### **Outputs and challenges**

The main output of these Actions is the Code of Practice for Fol as well as pursuing significant reforms of Fol. There are at least two further challenges to the full implementation, however. Particularly, although the Code has been passed, other aspects need to fully developed, including ensuring the proactive publication of the information by public bodies and introducing a ‘legislative footprint’ as promised in Action 3.2.

## **DID IT MATTER?**

### **Impact and ambition**

The actions are very ambitious initiatives that have potentially moderate impact. This is because the action allows for a clearer picture of what goes on in the state, by further regulating the actions of government actors. This is particularly important in the case of Ireland, given that the state apparatus was considered to be functioning in an opaque way particularly throughout the economic crisis in the 2000s. By increasing the ease with which people in living in Ireland can access information and find out what it going on in state bureaucracies, transparency in the policy process increases with the reforms pursued, as is accountability.

### **Has it set out what it was meant to do?**

As changes to the Fol policy have only come into force relatively recently, it remains difficult to fully evaluate the effectiveness of the policy implementation at this stage and how this has changed over time. For example, time series data over several years (3 years before and after the action plan) would be needed to be analyzed to ascertain whether the reduction of application fees has resulted in any more Fol requests. However, the code of practice developed does serve as a very strong foundation to strengthen the Fol, and the government has worked hard at making positive steps in this regard and has engaged with civil society in so doing. In terms of what has been completed to date, main aspects include a single Fol training framework, an updated Fol website, the abolishment of the

up-front request fee, and a reduction in the fees for making an appeal. Nevertheless, some outstanding issues remain as examined in the next section.

## MOVING FORWARD

### Next steps and potential recommendations

In its mid-term self-assessment report, the government has indicated outstanding items and the next steps over the next year of the action plan, all of which seem reasonable. For example, one step is finishing “the requirement by public bodies to prepare and furnish publication schemes to promote the proactive publication of information outside of FoI” (Action 3.3) by Q4 2015.<sup>5</sup> Additional, the idea of a “legislative footprint” found in Action 3.2 is also being addressed (in conjunction with Action 2.1).<sup>6</sup> As seen in analysis of Action 2.1, the “Draft Consultation Principles/Guidance for Public Consultations” was published in July 2015, where comments on the guidelines are to be received by October 2015 and will be later evaluated. In this regard, the information gathered in this consultation period may prove valuable in moving this action forward.

The only recommendation that the IRM researcher has relates to the future risks involved: a strengthened FoI regime comes with all the positive benefits as discussed above, but it comes at a cost. If, with reform, there is a concomitant increase in resources that the government needs to effectively implement a strengthened FoI program, then *someone* eventually has to pay for them. In other words, if the government doesn’t give enough resources to effectively implement the strengthened FoI policy, then more civil servants may be stretched with an increasingly burdensome workload. This inevitably will have a negative impact on citizens, as they might have an insufficiently staffed civil service not in a position to fully perform all their duties to civil society.

With this in mind, the government may consider the following Action for the next Action Plan with regard to further reforms for the FoI:

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

In terms of concrete duties, the working group’s *first task* should be to objectively analyze data between

2010 and 2016 that consists of the following in order to better understand the *costs of FoI*:

(a) The number of FoI requests per year, all the years in the time series, examining whether there has been a positive or negative trend over time.

(b) The number of civil servants in terms of full-time equivalent persons per year across all departments that are dealing with FoI requests, examining whether there has been a positive or negative trend.

(c) The number of civil servants in all departments who are hired during each year of time series, examining whether seeing if this there has been a positive or negative trend.

Particular attention should be paid to staffing in the FoI Central Policy Unit (CPU) in the Department of Public Expenditure and Reform, which provides guidance, support, knowledge, and expertise to ensure the overall efficiency of FoI in public bodies.<sup>7</sup>

It is possible that (a) and (b) may have decreased or stayed the same over time. However, given the changes that are a result of the action plan, it is reasonable to hypothesize that there is an increase in (a) and (b), even though there is no notable increase in (c).

Additionally, a *second task* would be for the working group to commission a representative nationwide survey of citizens (in a similar vein to Action 2.7) that seeks to measure the *benefits of FoI by*

- asking how useful and beneficial citizens think the FoI policy is for them; and
- gauging which information from the state that citizens would like to see proactively published.

The *first task* of the working group will help the government develop a strategy to earmark more state resources to effectively implement the policy. The *second task* will allow the state to develop even more proactive strategies to publish more amounts of information that *all citizens* want to see, potentially decreasing both the number of FoI requests that are made and the state resources necessary to deal with them over time.

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<sup>1</sup> John Hogan, Raj Chari, and Gary Murphy, "Walking on Sunshine or Away from It," p.2, accessible at [bit.ly/1QjKhoU](http://bit.ly/1QjKhoU)

<sup>2</sup> Banisar, David, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Information Laws*. London: Privacy International, 2006

<sup>3</sup> For both documents, see [bit.ly/1TdJ84Y](http://bit.ly/1TdJ84Y) and [bit.ly/1SC6HVL](http://bit.ly/1SC6HVL)

<sup>4</sup> Details of this are available at <http://bit.ly/1TdJhp9>

<sup>5</sup> See the Government's mid-term self-assessment report, Appendix 1, page 78

<sup>6</sup> On the Draft Document, see [bit.ly/1RZQxGe](http://bit.ly/1RZQxGe)

<sup>7</sup> On the Fol CPU, see [bit.ly/1Uh48q3](http://bit.ly/1Uh48q3)





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

### Commitment text:

2.5.1 - 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;

2.5.2 - **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;

1.8 - 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: Department of Education and Science

Supporting institution(s):

For 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

Not specified for action 2.5.2

For 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				POTENTIAL IMPACT				COMPLETION			
	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
2.5.1 Strategy on children and young people's participation in decision making				X		X					X					X
2.5.2 Maximize participation and understanding of young people in civic life			X			X				X				X		
1.8 Digital strategy for schools		X			X					X				X		

**Editorial note:** Under the old criteria of starred commitments, action 2.5.1 would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non-expert terms

The following actions are aimed at enabling children and young people's participation in the decision-making process. This goal is achieved in three ways. First, Action 2.5.1 has developed a strategy aimed at allowing children and young people to represent their interests in the decision-making process.<sup>1</sup> The strategy raises the awareness of local governments and professionals on how to include children and young people in decision making.<sup>2</sup> The strategy also aims at creating a participation hub, whose aim is to train locals on including children and young people. Second, Action 2.5.2 aims at developing the understanding of active citizenship, societal involvement and of the technol-

ogy-related citizenship activity. This is achieved by introducing the modules of politics, civic 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. Third, action 1.8 aims to realise 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 to participate fully in society and the economy. The implementation of the Strategy as a whole will ensure that the vision is realised. The Strategy will support the development of opportunities for learners to undertake in-depth study of ICT in Senior Cycle. This is a priority action under the Strategy but it is only one of 69 actions within the strategy. Schools

are also encouraged to have a Student Council which provides their students with a representative platform.

### **Before and after OGP - completion?**

Before OGP participation, the actions were pre-existing policies. The policies were unrelated and under the lead of different departments, and the projects were all abandoned between 2010 and 2011. *After the action plan was adopted:* The action plan opened the debate around the participation of children and young people in the decision-making at the local level. OGP allowed 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 have been achieved as stated in interviews with government officials:

- 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<sup>3</sup>
- The completion of the strategy on children and young people's participation in decision making. The strategy involves an action plan on its implementation and material (on paper and online) aimed at promoting the strategy.

### **Government and non-government view of what happened**

During the formulation of the policy, the government's viewpoint is that it took into account the various contributions received from interested parties even before formulation of the different strategies. Actions 2.5.1 and 2.5.2 paid particular attention to the interests of stakeholders. This attention is verified in interviews with high-level civil servants, and more importantly, it is corroborated in evidence seen in the surveys, submissions from interested parties, and meetings during the first phase of the public consultation process.

In more detail, Action 2.5.1 started a consultation process in 2011 aimed at defining the framework for the national strategy of the DCYA. In collaboration with the representative body of children and young people, Comhairle na nÓg, the department organized a national consultation involving over 66,000 children and young

people.<sup>4</sup> Public bodies (e.g., Department of Arts, Heritage and Gaeltacht, National Education Welfare Board, Mental Health Commission) in five bilateral meetings held in 2013 and 2014 have followed the formulation and implementation of the strategy.

Action 2.5.2 relied on submissions by interested stakeholders in the formulation of its proposals. A good example is in the consultation process prior the formulation of the framework for the Junior Cycle. The consultation involved 42 submissions: those of the Association of Secondary Teachers Ireland, Dail na nÓg (Parliament of Children and Young People), the National Parents' Council, the Teaching Council, and the Teachers Union. The submissions are downloadable from the website of the National Council for Curriculum and Assessment, which cooperated with the department in the creation of the framework.

### **Outputs and challenges**

The main output of the action 2.5.1 is the DCYA's national strategy.<sup>5</sup> The biggest challenge of this commitment is the establishment of the Participation Hub fostering the participation of children and young people in decision making. An educational program on active citizenship accompanies the participation of children and young people to decision making, and such a program is at now the pilot stage. The main challenge is to introduce such the modules starting from 2017. Action 1.8 is still at a preliminary stage. At the closing of this reporting period, the first challenge of this commitment is the publication of a strategy that clearly outlines the stages of the formulation and implementation of the policy. It is important to note that after the close of this reporting period, the Digital Strategy has been launched and will be further assessed in the End of Term IRM report.

## **DID IT MATTER?**

### **Impact and ambition**

The potential impact of the three policies is moderate. Action 2.5.1 enables young people's participation in decision making at the local level, Stakeholders have welcomed the DCYA's strategy. So far, the policy has done what it was meant to do, although the biggest challenge represents the level of inclusiveness of public bodies towards representatives of children and

young people. As the strategy outlines, the first results will be visible before 2020.

Action 2.5.2 aims at providing high-level education on civic participation to children and young people. This aim represents an important milestone for the active participation of children under action 2.5.1. However, more needs to be done to gain the support of unions and teachers on the issue. In terms of the action's efficiency, 2017 will be a crucial year in determining the success level of this policy.

Finally, action 1.8 potentially transforms traditional educational methods by introducing digital technology in learning. This allows children and young people to use platforms of communication that go beyond face-to-face interactions. However, teachers and school staff need appropriate training when it comes to digital technology. Also, the support of interested stakeholders (i.e., unions, education NGOs and IT firms) is needed. The action needs to enter the first stage of formulation, as so far its impact has been limited.

the support of the policy by other actors.

1.8— As mentioned in the previous sections, at the close of the reporting period the action was found at a preliminary stage. The IRM researcher recommends consultation and inclusion of important stakeholders ranging from Unions to IT companies in this process. The next steps involve the development of a clear action plan to follow through on the strategy and on which goals need to be achieved and how.

## MOVING FORWARD

### Next steps and potential recommendations

2.5.1— The strategy on the participation of children and young people in decision making is in the process of establishing the Participation Hub. The Hub should then enable children and young people to participate to policy-making through Public Participation Networks (PPNs) at the local level. It would be useful for the Hub to address Public Participation Networks as their main target for participation in decision making.

2.5.2— As outlined above, the policy needs the support of stakeholders on the junior and senior cycle syllabus. The biggest challenge is related to the support of the unions, which are concerned about the state of the wages in contrast to the increasing responsibilities of teachers. The pilot year and the inclusion of civic engagement activities during Proclamation Day, to coincide with the 1916 centenary, will be crucial in testing

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<sup>1</sup>Link to the website of the strategy, [bit.ly/1NAODcn](http://bit.ly/1NAODcn) (last accessed September 24, 2015). Link to the document [bit.ly/1IDtqCw](http://bit.ly/1IDtqCw) (last accessed September 24, 2015).

<sup>2</sup>See related documents on [bit.ly/1NAODcn](http://bit.ly/1NAODcn) (last accessed September 24, 2015).

<sup>3</sup>"Ireland 2016," last accessed September 24, 2015, [bit.ly/1RE3Ew1](http://bit.ly/1RE3Ew1)

<sup>4</sup>Imelda Coyne, Orla Dempsey and Catherine Comiskey, "Life as a child and young person in Ireland," Department of Children and Youth Affairs, Dublin: Government Publications, November 2012, [bit.ly/1PbCYAA](http://bit.ly/1PbCYAA)

<sup>5</sup>Department of Children and Youth Affairs, "National Strategy on Children and Young

People's Participation in Decision-making, 2015 – 2020." Dublin: Government Publications, June, 2015, [bit.ly/1IDtqCw](http://bit.ly/1IDtqCw)

# ACTION 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: Department of Public Expenditure and Reform

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

Start date: 1 August 2014

End date: 30 December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	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
			X		X	X	X	X			X				X	

**Editorial note:** Under the old criteria of starred commitments, this action would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non-expert terms

This action has as its main objective to review both national and international practices in order to improve the procedures for consultations with stakeholders and citizens when public policy is made. Clearer guidelines for consultation will improve the ability for citizens to input in public policy and thereby increase participation and transparency in what goes on in government. Although the action is spearheaded by the Department of Public Expenditure and Reform (DPER), it is intended that the principles and procedures for consul-

tation will serve as a guideline to inform engagement by government departments and all public bodies to allow for greater citizen influence in areas where policy is made.

### Before and after OGP – completion

Before OGP participation, the previous Fianna Fáil administration had drafted the “Guidelines on Consultation for Public Sector Bodies – Reaching Out” (2005).<sup>1</sup> However, this document lacked clear principles that guide consultations and a complete framework that established rules regarding how, when, and why public consultation should be held when policy is

developed. After the action plan was adopted, Action 2.1 set the basis for a complete review for guidelines and principles for the consultation process. The review also includes suggestions on how to better engage with citizens during said process by constructing a central repository for all public consultations, which will automatically notify interested citizens about consultations in areas where they have a registered interest. The “Draft Consultation Principles/Guidance for Public Consultations” was subsequently published in July 2015, where submissions and comments on the guidelines are to be received by 9 October, 2015 and later evaluated.<sup>2</sup> Given that the consultation period is still ongoing at the time of writing the IRM report, the action’s development to date is yet to be complete, but its progress can be considered substantial.

### **Government and non-government view of what happened**

The government reported<sup>3</sup> that the action is moving forward nicely. As we will see on analysis of Actions related to Fol (3.2 and 3.3), the idea of legislative footprint is also mentioned in endnote 3 of Action 2.1. As the “legislative footprint” aspect of Fol is one of several commitments made by the government with regard to Fol reform, the IRM researcher has not clustered Action 2.1 with those actions (3.2 and 3.3) relevant to Fol. The review based on best international practices and standards has taken place, without doubt. With this in mind, the government contends that this current draft guideline transcends the previous 2005 document on several grounds: it is based on the predicate that public consultation is necessary in order to better inform public policy; it clearly outlines main principles; it offers a checklist for political bodies to consider when they are seeking to publicly consult in the early state of the policy process; and it puts forward the novel idea of having a central registry of interests where stakeholders can sign up in order to be notified when consultation opens up in their area of interest. Yet, given that the consultation period on the draft document at the time of writing is not completed, the IRM researcher believes that while substantial progress has been made as of 30 September 2015, it is not completed. However, as the end of the time period indicated in the action plan was for the action to be completed by the end of 2015, there is every indication

that it will be finalized within the expected time period. Civil society is therefore preparing submissions, given their view of the centrality of public consultations when policy is made. Unfortunately, because the submission period on the draft guidelines has not been completed, there is no indication of the number (or names) of citizens or stakeholders that have submitted comments to the draft guidelines as of 30 September 2015.

### **Outputs and challenges**

The document on the “Draft Principles/Guidelines for Public Consultation” that the government has released in July 2015 clearly highlights the state’s desire to increase public consultations, in order to increase citizen trust in the political system. The guidelines seek to transcend the pre-existing guidelines (from 2005) on several fronts by clearly outlining principles on consultation: why it is important to consult, when to consult, and what different forms of consultation there are.<sup>4</sup> The challenge at this stage is that the government will have to consider submissions that are received. The revised guidelines (once the consultation is completed) need to be submitted to the government before final approval, with the presumed subsequent development of a regulation on the theme. Once established, these new guidelines need to be advertised widely to the public at large in order for all citizens to be aware of them and to register in the central repository for all public consultations, which is still to be developed.

## **DID IT MATTER?**

### **Impact and ambition**

This action, which is based on a pre-existing initiative since 2005, has potential to have a moderate impact. 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 will still independently have to roll out all of the guidelines. If the guidelines resulted in a clear set of legal regulations that were binding to each department, then it could have been transformative. The reason the ambition is more than minor, however, is that the development of a central registry where groups and citizens can register their interests on which they want to be consulted. This means that if the department or public body does engage in a

consultation process, there will be immediate notification to interested stakeholders, who can then partake in the consultation process. From this perspective, if the consultation mechanism guided by the new principles is used widely in the future by all public bodies, it could have a very positive long-term impact on increasing citizen participation in government.

#### **Has it set out what it was meant to do?**

As this policy development is not completed, it is difficult to gauge at this stage if it has set out what it has meant to do.

## **MOVING FORWARD**

The IRM researcher’s view is that the submissions received to the present Draft Guideline should be taken to larger public consultation meetings, where debate and deliberation is taken into consideration before the government approves final guidelines. Moving forward, the government should make a stronger commitment to making public consultations—guided by the principles established with the present action 2.1—a *mandatory requirement* for all pieces of legislation. This idea will be drawn out in more detail in Recommendation 5 found in Section VII.

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<sup>1</sup> Accessible at [bit.ly/1nG3Q1t](https://bit.ly/1nG3Q1t); (click on title “Reaching Out - Guidelines on Consultation for Public Sector Bodies”)

<sup>2</sup> On the Draft Document, see [bit.ly/1RZQxGe](https://bit.ly/1RZQxGe) (link to Guidelines, top of page).

<sup>3</sup> See Ireland’s Open Government Partnership Action plan 2014-16, mid-term self assessment Report, Appendix 1, pages 21-22

<sup>4</sup> Taken from page 6 and 7 of the guidelines, which can be found here: [bit.ly/1RZQxGe](https://bit.ly/1RZQxGe) (link to Guidelines, top of page)





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

### Commitment text:

Actions 2.4.1, 2.4.2 and 2.4.3, Cluster 3, Section 2 – Participation at the local level

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;

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;

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: Department of Environment, Community and Local Government

Supporting institution(s):

For Action 2.4.1: Community and Voluntary Group (not specific)

For Action 2.4.2: Local authorities (not specific)

For Action 2.4.3: The Members’ Association and the County and City Managers’ Association (not specific)

Start date: July 1, 2014

End date: December 31, 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	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
2.4.1 Pilot implementation of Public Participation Networks			X		X	X					X					X
2.4.2 Legal framework for public participation in local governments			X			X					X				X	
2.4.3 Feasibility study to enable citizen engagement in local budgetary processes			X		Unclear					X			X			

**Editorial note:** Under the old criteria of starred commitments, actions 2.4.1 and 2.4.2 would have received a star because they are clearly relevant to OGP values as written, have moderate potential impact, and have been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non-expert terms

The policies under action 2.4 are aimed at promoting civic participation in decision making at the local level, highlighting the importance of this level of governance beyond central government politics. This is particularly important in Ireland: given its large rural population of close to 40%, local government is significant to the everyday lives of many.<sup>1</sup> Action 2.4.1 introduces platforms of participation at the local level, referred to as Public Participation Networks (PPNs), which allow civil society organizations (CSOs) and voluntary organizations (VOs) to participate in decision making together with local public authorities, including county councilors.<sup>2</sup> As discussed in the action plan, Action 2.4.1 has started a pilot approach in local authorities. 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. And action 2.4.3 has as its main goals to bring citizens into the local budgetary processes, in particular.

### Before and after OGP - completion?

Before OGP participation, Actions 2.4.1 and 2.4.2 were pre-existing policies. In 2013, the Department of Environment, Community and Local Government (DECLG) set up a working group aimed at providing policy advice on the community participation at the local level. The Working Group on Civic Engagement with the local government produced a report recommending the establishment of PPN.<sup>3</sup> After the action plan was adopted, the recommendations of the working group entered the agenda of the government in relation to the action plan's section on fostering citizens' participation. The actions outlined in the action plan are aimed at implementing the recommendations of the working group of 2013 via a pilot approach and successive regulation. The pilot stage should be considered completed, as PPNs were established in each local authority area throughout 2014. While still at a development stage, regulation is needed to adopt PPNs and allocate resources for their functioning. Action 2.4.3 is a new policy intended to increase civic participation in local budgeting. However, it has yet to be started in the first year of the action plan.

## Government and non-government view of what happened

The DECLG set up the Working Group on Civic Engagement with the local government, which was aimed at formulating policy to promote citizen participation in decision making. Although some civil society leaders consulted suggest that the PPN project was imposed from the top at every stage, there is some evidence that different CSOs were represented in the working group (e.g., Social Justice Ireland, Irish Environmental Network), which indicated some consultation. This consultation process led to the formulation of a report containing a set of recommendations on the introduction of PPNs. The DECLG led the implementation of such recommendations during the pilot stage started in early 2014. In June 2014, a draft version of the regulation was published. At the time of writing this report, Parliament is considering the regulation. A phase of consultation with CSOs through online submissions is expected to follow, and the regulation's approval is expected before the end of 2015. When it comes to a study on the role of increased citizen involvement in local authority budgeting, officials interviewed confirm that it has yet to take place, although the groundwork for performing the study has been done.

## Outputs and challenges

The main output of the actions 2.4.1 and 2.4.2 represents the creation of PPNs. As mentioned in interviews with state officials, the main achievements of these actions are the following:

- PPNs are active in all local authorities.
- PPNs are active across in Strategic Policy Committees and other Committees of the Local Authority, including Local Community Development Committees.
- PPN have five seats across the community and voluntary (2), social inclusion (2) and environmental (1) sectors.

Evidence collected from interviews suggests that the main challenge for PPNs to function in the future the allocation of resources. The level of funding towards PPNs might be not sustainable and lead to future curtail of resources.

As there is no output for Action 2.4.3 at this stage, its main challenge is to get it off the ground.

## DID IT MATTER?

### Impact and ambition

The main objective of the commitment is to foster the civic engagement at the local level. The ambition of actions 2.4.1 and 2.4.2 is moderate. Efficient involvement of PPNs in local decision making allows for the consideration of a diversity of voices and interests. In addition, PPNs should facilitate the local authority in making better and more timely decisions by providing expertise and support. However, it is important to note that the impact of such structures on policy making is still to open to debate, and for this reason it is difficult to conclude that its impact will be transformative. If not appropriately supported with resources, such structures can slow down decision making without providing a useful contribution. Stable patterns of exchange between policy-makers and CSOs can open opportunities of patronage and privileged influence. So far, the policy has set out what it was meant to do, although the maintenance of PPNs might encounter different difficulties. The pilot approach has achieved the goals outlined in the action plan. Whether such positive outcomes are expected under the regulation in process of approval is still open. However, it is difficult to see Action 2.4.3 as anything other than limited, because it does not prescribe any real legislative change with a law.

## MOVING FORWARD

### Next steps and potential recommendations

The next steps involving the implementation of PPNs under actions 2.4.1 and 2.4.2 are the following:

- Approval of regulations involving consultation with interested CSOs
- Setting up oversight group to monitor and evaluate implementation
- Securing adequate resources to ensure effective implementation of the new arrangements

The regulation should address potential difficulties that might reduce the efficiency of PPNs. Mainly, the opportunities for privileged access and reduced resources represent the main challenges for the correct functioning of PPNs. The implementation group should address the issue of patronage and privileged access.

Regulations should secure enough resources to the PPN to guarantee their future functioning.

The main recommendation for Action 2.4.3 is to get it started. If limited progress is made in year 2 of the first action plan, then it may be carried over to the second action plan 2.

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<sup>1</sup>For a link to World Bank data on the rural population of Ireland, see [bit.ly/1nrOnT0](http://bit.ly/1nrOnT0)

<sup>2</sup>For more detailed information on how PPNs work, please see [bit.ly/1PuHfv0](http://bit.ly/1PuHfv0)

<sup>3</sup>Report available at [bit.ly/1NscchX](http://bit.ly/1NscchX) (last accessed September 30, 2015)

## ACTION 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: 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				POTENTIAL IMPACT				COMPLETION			
	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
2.6.1 Develop ICT Strategy				X	X						X				X	
2.6.2 Data Sharing and Governance Bill			X		X						X				X	
2.6.3 Public Services Card				X	X						X				X	
2.6.4 Single Customer View		X			Unclear					X			Unclear			
2.6.5 Local Government Portal			X		X						X				X	
2.6.6 New Local Enterprise Office			X		X						X				X	

**Editorial note:** Under the old criteria of starred commitments, actions 2.6.1, 2.6.2, 2.6.3, 2.6.5 and 2.6.6 would have received a star because they are clearly relevant to OGP values as written, have moderate potential impact, and have been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non-expert terms

The overall action, one of the largest of the action plan, given the several sub-commitments, seeks to better the services citizens receive through the use of technology. There are six main related elements involving several departments. The first is 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, with the main objective to improve data sharing in public service. Such a sharing would reduce administrative burdens on citizens and businesses. Third and fourth related initiatives are to make a number of improvements through the Public Services Card, which would also replace other cards such as the free travel pass and social services card. It would also develop a Single Customer view, which serves as basis to develop a range

of new customer service applications. Although further explanation on its goals and progress could have been given in the government's action plan and self-assessment report, in comments to the draft of this report the government has clarified that the Single Customer View is a system that was developed by DPER on behalf of the Department of Social Protection (DSP) to hold core citizen identity data collected by different public bodies. This system is used to increase the quality of citizen identity data across the Public Service. For example, the Passport Office use the SCV to check that the Personal Public Service Number (PPSN) and related data collected at passport application point is consistent with identity data issued and collected by DSP. A fifth commitment is the development of a local government portal, which connects citizens with all local government services, such as making payments. Finally, there is a commitment to establishing Local Enterprise Offices, which are to serve as first-stop shops

to support small businesses throughout the state. This initiative can be seen as particularly crucial, given the impact of the financial and economic crisis on small enterprises, which are the heart of Ireland's economy.

### **Before and after OGP – completion?**

Before OGP, some of these initiatives were started. This includes the Local Enterprise Offices (LEOs), which had already started to be developed since April 2014 after being on the government's agenda to support micro and small enterprises in the wake of the financial and economic crisis since 2012.<sup>1</sup> Also, the local government portal was launched in March 2014, before the action plan was written. At that time, property owners, builders, developers, architects and engineers could submit notifications, applications and compliance certificates through the online Building Control Management System (BCMS).<sup>2</sup> Further, the Public Services Card (PSC) existed well before OGP in 2012,<sup>3</sup> although significant improvements were outlined in the action plan—and the Single Customer View has been on the agenda since 2013.<sup>4</sup> However, after the action plan was adopted, the other commitments with clear milestones were introduced in the action plan: the Public Service ICT Plan has taken shape since the end of 2014 and has resulted in the development of an ICT Strategy in 2015.<sup>5</sup> And in August 2014, policy proposals on the Data Sharing and Governance Bill were launched.

### **Government and non-government view of what happened**

Civil society leaders interviewed in the study argue that little public consultation has been done on the implementation of Action 2.6, overall. This is largely supported by the government's one-year self-assessment: when analyzing the section on "other actors involved" in their report on Action 2.6, none of the six (sub) commitments in this action have indicated that other actors, such as civil society organizations, have been involved during the policy's implementation. However, the IRM researcher's interviews with government officials, re-examination of the government's own self-assessment, and online research all show that at least one of the sub-commitments did go through a public consultation, namely the development of the Data Sharing and Governance bill. After DPER published a policy proposal on the theme, this was opened to public consultation. Public bodies (such as the Central Sta-

tistics Office) responded, as well as organizations such as Derilinx, Creditinfo, the Citizens Information Board, and at least one private individual.<sup>6</sup> This response was followed by a public information event, held at the end of November 2014, that informed the general scheme of the bill, which was approved by the government for pre-legislative scrutiny in July 2015.

### **Outputs and challenges**

There have been solid outputs at this stage for several of the sub-commitments, as outlined in more detail for each commitment. One main challenge is the commitment on the Single Customer View, whose goals, objectives, and progress could have been more fully articulated in the commitment's language and the government's self-assessment report. Another challenge is that the overall action is so large and contains six main elements involving several departments. Even if one Department (DPER) is reported to in terms of progress made by the others, this may have resulted in some challenges in terms of overall delivery and coordination given the enormous size of the action, and posed challenges with regard to how the main state actors from various departments have interacted with civil society.

## **DID IT MATTER?**

### **Impact and ambition**

In terms of Impact, five of the six sub-commitments potentially have a moderate 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. These represent major steps forward, because they will largely help improve efficiency within public bodies (through the sharing of infrastructures, for example, as seen especially in the ICT strategy) and may better the quality of services available to citizens and businesses in the delivery of public services. They are not necessarily transformative, however, because it is not entirely clear how they will change business as usual. The only commitment whose impact can be considered "minor" is the Single Customer View: neither the action plan nor the one-year self-assessment report fully and clearly outline what are the main ambitions in concrete terms. The latter, in particular, only generally states that its main ambition is to "reduce the amount of custom-

er interactions with state bodies by sharing information rather than requesting it multiple times” and no links to developments over the last year are found in the self-assessment report.

### Has it set out what it was meant to do?

Clearly, based on interviews with government officials and on research, there has been progress and indication that some of the various sub-commitments have set out what they meant to do, with substantial completion within the first year of action plan as follows:

- The Public Service Strategy was approved by government and launched in January 2015.
- A General Scheme on the Data and Sharing and Governance Bill has been approved, with its legislation pending.
- The number of Public Service Cards has doubled from the levels previous to the action plan, resulting on over 770,000 new cards being issued since May 2014, with improvements in the registration system having been made.
- The Local Government Portal has been substantially developed, where links to several local government services and information can be found, such as that on education and learning; housing; and drinking water supply and quality monitoring.
- Although LEOs were established before the action plan in 2014, clearly there was substantial advancements during the action plan’s first year, consistent with the strategy to strengthen local business and culture. For example, beyond developing an enhanced webpage, which can easily be used, Minister Bruton also “announced a €5 million fund for Local Enterprise Offices (LEOs) to support competitive projects” in May 2015.<sup>7</sup>

Less clear, however, has been the progress on the Single Customer View, for which the government’s one-year self-assessment gives little details on what has been done or achieved since the action plan.

## MOVING FORWARD

### Next steps and potential recommendations

Most of the sub-commitments discussed under Action 2.6, have clearly stated their next steps. These may be completed by the end of year two of the action plan but, if not, should be included in the second action plan. Notwithstanding, here are some recommendations:

- Because the development of an ICT strategy has an end-date of 2020 in the self-assessment report, this is clearly a commitment that must appear in the state’s next action plan.
- Although government provided clarifications on the purpose and ambition of the Single Customer View, in future action plans this should be explicitly stated in the commitment’s language.
- There should be a clearer plan on what services the Public Services Card will provide. Nevertheless, moving forward, comments received by the government state that the Civil Service Management Board is now focusing on other public bodies using the SAFE registration process and the Public Services Card. In line with this the SAFE Committee, DPER and DSP will work with those bodies to implement the Government Decisions with regard to the adoption of the PSC for wider access to public services. Earlier this year, the SAFE Committee conducted an exploratory survey of service provision to establish potential for further utilisation of the SAFE PSC infrastructure. This is now being examined and it is hoped that this will inform future discussion on the formulation of a strategy for reaching the residual non-DSP client portion of the population.
- There should be more effort made to establish links with civil society and other private actors during the implementation over the next year of the action plan. This may be addressed by clearly outlining how the various departments involved, as well as DPER which takes on the coordinating role, can more fully interact with civil society.

<sup>1</sup>“Local Enterprise Office,” [bit.ly/1Pq5afk](http://bit.ly/1Pq5afk)

<sup>2</sup>“Building Control Management System,” [bit.ly/RHdGj9](http://bit.ly/RHdGj9)

<sup>3</sup>“What is the Public Services Card?,” *The Journal*, May 9th, 2012, [bit.ly/1S2fpNB](http://bit.ly/1S2fpNB)

<sup>4</sup>“E-government,” [bit.ly/1K3TyCb](http://bit.ly/1K3TyCb)

<sup>5</sup>On the timeline of events see [bit.ly/1IGiRyP](http://bit.ly/1IGiRyP); on the 2015 Strategy see [bit.ly/1NstxYe](http://bit.ly/1NstxYe)

<sup>6</sup> For a list of all submission received, see [bit.ly/1SbVMk6](http://bit.ly/1SbVMk6)

<sup>7</sup> Beyond the sources previously cited, please also see [bit.ly/1SbVNEU](http://bit.ly/1SbVNEU) (for a full list of government services), as well as [bit.ly/1RyBLRz](http://bit.ly/1RyBLRz) (for link to recent announcement on the LEOs)



# ACTION 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: Department of Public Expenditure and Reform

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

Start date: not specified

End date: July 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	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
2.7.1 Review citizen complaints procedures.		X				X	X			X				X		
2.7.2 Enhance customer engagement			X			X	X				X				X	

**Editorial note:** Under the old criteria of starred commitments, action 2.7.2 would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

## WHAT HAPPENED?

### Basic description, non-expert terms

This Action aims to assess customer complaints on civil service and the effectiveness of pursued remedies (Action 2.7.1) and outline what customers can expect from the civil service and how the civil service can respond to customer reaction by way of "Customer Charters" (Action 2.7.2). The term "customer" refers to not only

citizens and businesses that rely on the services of the state but also "internal customers," such as staff from one government department who may be dealing with another civil servant in a different department.<sup>1</sup> The term "Customer Charter" refers to a statement by each government department or public body describing the "the level and quality of customer service a customer can expect from a Government Department of Office."<sup>2</sup> Main features of each Charter are that they

- be accessible to all customers via the web and also offices, outlining commitments given to customers that using the service can expect with regard to, for example, telephone enquiries, written correspondence, and visits to offices;
- be up to date and outline how to improve services by way of a “Customer Action Plan”;
- include details of complaint procedures if a customer is unhappy with a service or not satisfied about a decision that is made (highlighting how Action 2.7.1 and 2.7.2 are related); and
- consult with customers in order to evaluate progress made on customer service issues.<sup>3</sup>

As an example, the Department of Communications and Natural Resources offers a Customer Charter that sets out these main points.<sup>4</sup>

### Before and After OGP – Completion?

Before OGP participation, regarding Action 2.7.1, the Public Services Reform Plan of 2014–16 (launched in January 2014) prioritized public service reform and improvement of service delivery by bettering how civil service engaged with customers (users). As such, one of the main objectives of the reform plan was to assess the quality of different departments and offices’ customer charters, which were previously launched in the early 2000s. In January 2014, the Department of Public Expenditure and Reform (DPER) sought clarity on complaints procedures for departments and offices. After OGP participation began, 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 (Action 2.7.2) and a review of citizen complaints procedures in particular (Action 2.7.1). While Action 2.7.1 has seen limited completion, 2.7.2 has seen substantial advancement as discussed more fully in the next section.

### Government and non-government view of what happened

According to the government’s self-assessment, Action 2.7.1 has limited completion, where an interviewed government official highlighted that information gathering sessions have been held with all departments in early 2015 in order to better understand “what each does” with citizen complaints. Nevertheless, there has

been substantial advancement of the various commitments outlined in Action 2.7.2:

- Customer charters and action plans of 33 departments/bodies were reviewed, leading to a summary report in October 2014 of main findings that indicated what is working well and what could be improved.<sup>5</sup>
- According to an Irish civil service customer satisfaction survey in 2015, satisfaction was up when compared with a similar survey in 2009.<sup>6</sup>
- Based on interviews with government officials, training sessions on improving service were given to around 80 civil servants.

No consultation has been made with civil society and other stakeholders in Action 2.7.1, although the evidence suggests that there was clear citizen and interest group involvement in aspects of Action 2.7.2 as follows:

- The research company Ipsos MRBI carried out satisfaction survey on behalf of the government, by conducting 2,025 face-to-face surveys of a nationally representative sample of interviewees 18 years and older January–February 2015. The survey highlighted citizen engagement in the survey’s implementation. The survey highlighted that 77% of all respondents were satisfied with civil service, 76% were satisfied with the outcome they had, and 83% said that the service they received was better than/same as expected.<sup>7</sup>
- During the reporting period the National Adult Literacy Agency, an independent charity, gave four trainings on “plain language” to civil servants and development of the Customer Charters. These trainings were designed to increase usage of plain language the way the civil service engages with citizens including the development of Customer Charters.<sup>8</sup> In November and December 2015, after the implementation period covered by this report, four additional “plain language” trainings were organized by DPER.

### Outputs and challenges

Implementation for Action 2.7.1 has been limited, although progress has been made with regard to Action 2.7.2. Action 2.7.1 has the challenge to engage more

with stakeholders, and recommendations from the IRM researcher are offered in the final section on how this may be done.

## DID IT MATTER?

### Impact and ambition

As there has been limited completion on Action 2.7.1 on customer complaints. It is difficult at this stage to conclude whether it has mattered. It should be noted, however, that the commitment was not given until mid-2016 for its completion, although the actual deliverables outlined in the original action plan do not outline an ambitious commitment.

With regard to customer engagement (2.7.2), whose commitment is more moderate, the work over the last year has been substantial on two grounds:

- A major review of all customer charters across 33 government departments and offices has taken place by the end of 2014, where issues that Departments/Offices need to be addressed are also outlined.
- Citizens have been engaged on a large-scale survey on the overall satisfaction of the civil service, which received media attention.<sup>9</sup>

### Has it set out what it was meant to do?

At this stage, Action 2.7.1 has not set out what it has meant to do. Some aspects of 2.7.2 (on the review of customer charters and the surveys with customers) have been attained as discussed above, although ongoing commitments remain, including a survey on business organizations in the next year.

## MOVING FORWARD

### Next steps and potential recommendations

The following recommendations are for the specific commitments:

- Given the limited progress on the review of citizen complaints (2.7.1), the next year of the present or next action plan should engage with citizens more broadly, building on the success of the methodologically rigorous “Civil Service Customer Satisfaction Survey” already performed in Action 2.7.2. As key users of the service, citizens have a wide array of input in helping draft the key principles for how to deal with complaints. This process may help improve procedures that will subsequently meet their expectations. In order to maximize citizen participation throughout the country, it is recommended to perform a representative, national survey that gauges the effectiveness of procedures in place. The survey should use closed-ended questions measured on a thermometer scale and also allow for recommendations for changes, potentially using both closed and open-ended questions.
- Even though the review of the customer charters and customer action plans are progressing well in Action 2.7.2, implementation must be ensured so that the issues for departments/offices are monitored closely. Ideally, an independent review should be taken in the next action plan, examining citizens’ and other stakeholders’ views, to ensure monitoring.

<sup>1</sup> Department of Public Expenditure and Reform (DPER), Review of Customer Charters and Customer Service Action Plans in the Civil Service, October 2014 which can be found on bit.ly/1PLH1A7. Click on the link, Report on Review of Customer Charters 2014, Page 14-5, October 2014 documents.

<sup>2</sup> DPER, Review of Customer Charters and Customer Service Action Plans in the Civil Service, October 2014, Page 2

<sup>3</sup> DPER, Review of Customer Charters and Customer Service Action Plans in the Civil Service, October 2014, Page 14-5

<sup>4</sup> See bit.ly/1Sc0kXY

<sup>5</sup> DPER, Review of Customer Charters and Customer Service Action Plans in the Civil Service, October 2014, Page 14-5

<sup>6</sup> DPER, Irish Civil Service Customer Satisfaction Survey, which can be found on bit.ly/1Umf59Q

<sup>7</sup> Survey can be found on bit.ly/1Umf59Q, page 38-40

<sup>8</sup> “National Adult Literacy Agency,” bit.ly/1OJMppq

<sup>9</sup> “Irish people say what they really think about civil servants,” The Journal, May 6th, 2015, bit.ly/1njBpWx



## ★ ACTION 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: Department of Public Expenditure and Reform

Supporting institution(s): All government departments

Start date: not specified

End date: July 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	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
				X			X					X			X	

**Editorial note:** This is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

## WHAT HAPPENED?

### Basic description, non-expert terms

Dealing with conflicts of interest among public officials in Ireland is particularly salient, given the corruption that led to financial and economic crisis.<sup>1</sup> The Organisation for Economic Co-operation and Development (OECD) states that a “conflict of interest arises when a public official (including elected officials, members of boards of public bodies, and civil servants) has private-capacity interests which could improperly influence the performance of their official duties and responsibilities.”<sup>2</sup> Actual and potential conflicts of interest plagued Ireland throughout the 1990s and 2000s, as highlighted by the Mahon Tribunal that investigated payments to politicians on political decisions.<sup>3</sup> Because of this, Action 3.1 seeks to develop specific reform proposals for a new ethics regime to effectively

address actual and potential corruption risks, thereby increasing public trust.

### Before and After OGP – Completion?

Before OGP participation, there was piecemeal legislation in Ireland on the regulation of conflicts of interest and political donations. At the national level, there was the Ethics in Public Office Act (1995) and the Standards in Public Office Act (2001), while at the local level there was the Local Government Act (2001, Part XV) that regulated ethical behavior. Separately, political donations were regulated by the Electoral Act (1997) and the Local Elections Disclosure of Donations and Expenditure Act (1999).<sup>4</sup> In 2012, the Mahon Tribunal outlined anti-corruption principles and recommendations. After the action plan was adopted, Action 3.1 was made by the government to have one consolidated piece of legislation that brought together the previously sepa-

rate strands of legislation, while building on the recommendations of the Mahon Tribunal.

Although the action is not complete at this stage, there has been substantial progress. The resultant General Scheme of the Public Sector Standards Bill outlined the key areas to be covered by the legislation, and it was 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.<sup>5</sup> The reform particularly seeks to do the following: expand the scope for which public disclosures that officials have to make; outline principles of integrity and codes of conduct for public officials; and enforce independent regulation of disclosures.

### **Government and non government view of what happened?**

As evidenced in the self-assessment report, there were some delays by the government in developing the general scheme for consultation, which was supposed to have been done by the end of 2014 followed by a consultation.<sup>6</sup> Nevertheless, it was finalized in June 2015, and the process for public consultation was also opened up thereafter, where an additional policy document was also produced to explain the main elements of the initiative.<sup>7</sup> The close for submissions from civil society organizations, advocacy groups, and individual citizens was 11 September 2015, after which time it is expected that consultation meetings with all interested actors will take place. The submissions received have not been posted on the Internet at the time of writing this report, so it is difficult to gauge stakeholders' views on the initiative and whether their views will be taken into consideration. It is expected that the ensuing public debate, and the views expressed by civil society and other actors, will be able to be more fully detailed next IRM report.

### **Output and challenges**

The main output to date— development of the general scheme of the bill— serves as strong foundation to “modernize, consolidate and simplify” regulations in this area as promised in Action 3.1. The main challenge is to make the consultation process meaningful, and then the Action will be completed by early 2016. A potential obstacle to this, however, is that there is a pending election in early 2016, which has not been confirmed at the time of writing.

## **DID IT MATTER?**

### **Impact and ambition**

By consolidating extant rules, while building on them with references to international best standards, means that the potential impact of this action is transformative. This commitment can be transformative because of the history of corruption in the country, particularly during the previous Fianna Fáil administrations, where there was a symbiotic relationship between the government, financial capital, and developers. During this period, politicians in particular acted in their own (and their party's) interests without thinking of the ramifications of their actions on society at large.<sup>8</sup> With more robust rules on ethical standards and practices of public officials who will be independently monitored, this Action can therefore decrease the likelihood of such events taking place in the future, thereby changing “business as usual” in Irish politics.

This action contains robust disclosure mechanisms that have to be followed by all elected officials and civil servants. Therefore, the IRM Researcher is of the view that this action matters and can potentially change Irish politics precisely because it really does put a new *microscope* on public officials in Ireland, with the potential for heavy fines or jail sentences if the rules are broken. In particular, it seeks to

- cover and clearly define which public officials are covered, giving a very broad definition allowing for the regulation of ethical behavior across a wide range of public officials;
- outline fully what has to be disclosed by public officials, with an expanded scope for income disclosures to be made, including political donations over €600; income of over €2,600 from another job; and holding shares great than a value of €13,000 in companies;
- prohibits the acceptance of favors;
- extends the scope of disclosures to include the interests of connected parties, such as relatives of public officials; and
- ensures a unified, centralized declaration of interests that must be made to an independent commissioner, who has investigative powers to verify

disclosures, armed with the ability to fine up to €100,000 or give jail sentence up to 5 years.<sup>9</sup>

### **Has it set out what it was meant to do?**

It is difficult at this stage to say whether the action has set out what it was meant to do, because the it is not yet complete. The action will only take place once public consultation takes place and the legislation is drafted and enacted, which is expected in 2016.

## **MOVING FORWARD**

### **Next steps and potential recommendations**

The government has indicated that it is finalizing the consultation stage on this action at the time of writing, and it should comprehensively analyze all submissions. As such, the next steps that are recommended include publication of a draft bill by early 2016. Ideally, this can be achieved in the next year, but, if not, this should be prioritized in the next action plan. Given the urgent need for ethics legislation to be brought forward, it is recommended that the draft bill be introduced as soon as possible in 2016.

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

<sup>2</sup>"Managing Conflict of Interest in the Public Sector," Organisation for Economic Co-operation and Development (OECD), 2005, Page 7, <https://www.oecd.org/gov/ethics/49107986.pdf>

<sup>3</sup>"The Final Report of the Tribunal Vol. V," The Tribunal of Inquiry into Certain Planning Matters & Payments, July 31st, 2013, [bit.ly/1PwMHDJ](http://bit.ly/1PwMHDJ)

<sup>4</sup>Government Reform Unit, "Public Sector Standards – a new and reformed legal framework," Policy Document, Department of Public Expenditure and Reform, June 2015, Page 5, [bit.ly/1ljUY0b](http://bit.ly/1ljUY0b)

<sup>5</sup>Government Reform Unit, "General Scheme of a Public Sector Standards Bill," Draft General Scheme, Department of Public Expenditure and Reform, [bit.ly/1ljUY0b](http://bit.ly/1ljUY0b)

<sup>6</sup>See the Government's mid-term self-assessment Report, Appendix 1, page 71

<sup>7</sup>For both documents, see [bit.ly/1ljUY0b](http://bit.ly/1ljUY0b) (link 'Draft General Scheme' and 'Policy Document')

<sup>8</sup>Shane Ross, 2009. *The Bankers: How the Banks Brought Ireland to Its Knees* (Dublin: Penguin)

<sup>9</sup>Government Reform Unit, "General Scheme of a Public Sector Standards Bill," Draft General Scheme, Department of Public Expenditure and Reform, [bit.ly/1ljUY0b](http://bit.ly/1ljUY0b)





# ★ ACTION 3.4: LOBBYING REGULATION

## Commitment text:

**ACTION 3.4 - Regulation of 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: 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				POTENTIAL IMPACT				COMPLETION			
	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
			X		X	X	X					X				X

**Editorial note:** This is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

## WHAT HAPPENED?

### Basic description, non-expert terms

The Regulation of Lobbying Act (2015) has as its main goal to shed light on who is lobbying whom about what.<sup>1</sup> In this regard, the development of the law seeks to add transparency and accountability to the overall policy-making process over different areas: the law allows for all citizens to see which lobbyists are seeking to influence the governmental departments that are making policy. The main principle guiding the policy is to encourage open dialogue between government (including elected officials and civil servants) and all sectors of society on areas of policy that impact all citizens. Section 5(7) of the act also outlines that that the Minister for Public Expenditure and Reform shall prepare and publish a code—referred to as the “Transparency Code”—that “sets out how certain relevant public bodies, such as ministerial advisory groups, may conduct their activities in a transparent way. By adhering to the Transparency Code, communications within these bod-

ies would meet the exemption from the requirement to register and report on lobbying activities.”<sup>2</sup>

### Before and after OGP - completion?

Before OGP participation, this commitment to introduce a Register of Lobbyists, and rules regarding the practice of lobbying, formed 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. It is therefore pre-existing. After the adoption of the action plan, the commitment was completed: the bill was published in 2014, passed through both the Lower and Upper Chambers of Parliament, signed into law in 2015, and finally came into force.

### Government and non-government view of what happened

During the formulation of the policy, the government’s viewpoint is that it took into account the various contributions received from interested parties even before formulation of the bill started. In fact, one

may argue that the government started with a “clean slate” in terms of what to put in the law and consulted extensively both with governmental and with non-governmental stakeholders before development the bill. This is verified in interviews with stakeholders, and it is more tangibly seen in submissions during the first phase of the consultation process, which started in early 2012. Such submissions come from different stakeholders—including labour (the Irish Confederation of Trade Unions), business (IBEC), NGOs (such as Transparency Ireland), consultancies (such as Policy Action), and independent experts (Dr. Conor McGrath)—who raised issues and helped inform the governmental position with over 60 submissions at this time.<sup>3</sup> For example, one concern amongst charities was that registration would mean that they would lose their charity status upon registration, which the government ensured would not happen with the legislation. These initial consultations with various stakeholders informed the government of the main points to be found in a ‘General Scheme’ of the lobbying bill, which was published in April 2013. The government later responded to further suggestions and queries, such as clarification on fees required to register, which many stakeholders stated should not be charged as seen in correspondence with the main business organization, Irish Business and Employers Confederation (IBEC) and DPER.<sup>4</sup>

### **Outputs and challenges**

The main output of this commitment is the Register of Lobbyists, which all lobbyists must sign up for. It officially came into force on 1 September 2015. This Register, which is published on the web and can be consulted by the public, has been effectively up and running since September 2015.<sup>5</sup>

There are at least three challenges to the implementation of the law, which has just started, some of which have been tended to while others have yet to be addressed. First, a new Head of Regulation of Lobbying has been named and recently taken her position as regulator based on the Standards in Public Office (SIPO) since the summer of 2015.<sup>6</sup> Second, going forward, SIPO must raise awareness that lobbyists must register, which is being done through newspaper reports, ads, and an effective website. Third, the government needs to make sure the effective functioning of an Advisory Group that has been set up and is com-

prised of various stakeholders from business, unions, and NGOs.<sup>7</sup> This group is tasked to provide information and guidance to SIPO, assisting it in addressing key issues arising during the implementation of the Register.

## **DID IT MATTER?**

### **Impact and ambition**

Recent developments in Irish politics, particularly during the financial and economic crisis, highlighted corrupt experiences where lobbyists attempted to “buy influence.”<sup>8</sup> In this context, the main objective of the commitment is to add transparency in the policy making process, with the main impact to allow citizens to see which lobbyists are seeking to influence whom (including both elected officials and senior civil servants) when public policy (including matters involving funds) is made at the domestic level of governance. Based on the experiences of countries with registries such as Canada and the US, transparency helps minimize risks of corrupt practices between both public and private officials.<sup>9</sup> It is a very ambitious initiative that matters and is potentially transformative. The reason is that by regulating the activity of lobbyists, it will allow for a change to how politics have been historically conducted behind closed doors.

### **Has it set out what it was meant to do?**

As the policy has only come into force since 1 September 2015, it remains difficult to evaluate the effectiveness of the implementation of the policy. Since first returns are due on 21 January 2016, it will not be known until that time how many lobbyists are registered, and which ones have not. In order to gauge the effectiveness of the law, and in order to ascertain the number and nature of lobbyists registered, one innovative aspect of the Register is that it allows for users to do searches using a multiple of terms, including dates of registration; policy area; lobbying organization; and public official.<sup>10</sup> The latter, in particular, represents a novel way to do a search on a Register that compares very favorably with the international experience.<sup>11</sup>

## MOVING FORWARD

### Next steps and potential recommendations

In terms of policy recommendations going forward, some civil society organizations (particularly Transparency Ireland) have stated that the information that is required to be disclosed when a lobbyist registers could go further, including a full disclosure of all documents exchanged by the lobbyist to public officials when seeking to influence policy (i.e., a legislative footprint).<sup>12</sup> Presently, there is not an existing lobbying law found globally that requires such information to be submitted when registering/updating registrations, so the experience in Ireland reflects international practice in this regard. Nevertheless, the IRM researcher views this as something that may be considered in the future.

In the immediate future, however, because this specific commitment outlined in the original action plan is complete, focus must now turn to actions to be taken in the next action plan. Yet, such actions will be a function of developments over the next year, particularly when the Act will be reviewed after a year of operation in September 2016. As promised by the state, “when conducting this review, the Minister for Public Expenditure and Reform will engage in consultations with, among others, people who are carrying on lobbying activities and their representatives.”<sup>13</sup>

Such consultations, along with recommendations by the Advisory Group which is represented by a wide range of stakeholders, may consider the following:

- Have all lobby groups— including consultancies, in-house corporate lobbyists, professional associations and civil society organizations— registered; why or why not?

- Does more public awareness need to be made of the policy, particularly through more public meetings and online forums?
- Are the monitoring mechanisms robust enough to ensure full compliance of the policy (such as ensuring that lobbyists give correct information when registering), or do they need to be improved?
- Are the sanctions levied when there is non-compliance with the policy sufficient?

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

<sup>2</sup> Quote taken from: <http://bit.ly/20pltRk> (last accessed September 9, 2015)

<sup>3</sup> To see all the submissions, please go to: <http://bit.ly/20pluVe> (last accessed September 9, 2015)

<sup>4</sup> This is seen in correspondence between DP&ER and IB&EC; please click on link Response to IB&EC found on <http://bit.ly/1PNWP5n> (last accessed September 9, 2015)

<sup>5</sup> <http://bit.ly/1ZZu40b>

<sup>6</sup> For a report from the Sunday Business Post on the newly appointed Head of Lobbying Regulation in Ireland, Sherry Perreault, please see: <http://bit.ly/1NvQD07> (last accessed September 9, 2015)

<sup>7</sup> For a full list of the members, please see <http://bit.ly/1K7a2tb> (last accessed September 9, 2015)

<sup>8</sup> See, for example, the case of the lobbyist Frank Dunlop, <http://bit.ly/1WL1Tg6> (last accessed September 9, 2015)

<sup>9</sup> On the experiences in Canada and the US and how politics can be ‘changed’ in terms of setting the rules of the games lobbyists must follow by having public registers, see Chari, Hogan and Murphy, *Regulating Lobbying a Global Comparison* (Manchester: Manchester University Press, 2012, Chapters 1, 2 and 6)

<sup>10</sup> To go to the ‘search’ page of the register, see: <http://bit.ly/1QpAG1K> (last accessed September 9, 2015)

<sup>11</sup> On International comparisons please see Chari, Hogan and Murphy, *Regulating Lobbying a Global Comparison* (Manchester: Manchester University Press, 2012, Chapters 2 and 3)

<sup>12</sup> See page 10 of the report by Transparency International Ireland, which can be found on <http://bit.ly/1PNXaoA>

<sup>13</sup> Quote taken from <http://bit.ly/1K7aacf>



# ★ ACTION 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: 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				POTENTIAL IMPACT				COMPLETION			
	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
			X			X	X					X				X

**Editorial note:** This is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

## WHAT HAPPENED?

### Basic description, non-expert terms

Protected Disclosures legislation (or Whistleblowing legislation,) provides a regulatory framework where workers can raise concerns about potential wrongdoings that are happening in the workplace, knowing that they can be protected if they are penalized by their employer for *whistleblowing*. For example, consider a worker who sees his/her boss discriminating against another employee, such as preventing the employee from being promoted based on racial discrimination. If, when reporting this discrimination, the whistleblower gets fired for raising the concerns, he or she will be protected by whistleblower legislation. Such protection may include, for example, retroactive pay being rewarded to the whistleblower in the case of an unfair dismissal for having made the protected disclosure. Action 3.5 thus relates to developing whistleblower legislation in order to protect public and private workers in Ireland and subsequently raising the awareness of whistleblower duties and protections.

### Before and After OGP – Completion?

Before the OGP participation, in 2012 the Irish government was working on developing whistleblower legislation, which was 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, representing a novelty: it was the first time that a comprehensive bill would be developed in Ireland to give protection to workers from all sectors of the economy who reported concerns. After the action plan was adopted, in fact in the same month that the action plan was launched in July 2014, the the Protected Disclosures Act was completed. 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. Since July 2014, awareness of the legislation was performed by the government on two main grounds. First, after posting an informative post on the theme when the legislation was passed,<sup>1</sup> interviewed government officials stated that DPER also spent the first year of

the action plan notifying employers and employees of whistleblowing legislation, providing guides on key themes (such as what is meant by a protected disclosure, what matters can it be reported on, who is protected, and how does a worker report concerns). This has subsequently resulted in a number of public bodies having already prepared and issued written procedures for making protected disclosures as discussed in the government's self-assessment report. Another form of outreach included extensive media coverage on the protection gained by workers with the new whistleblowers legislation,<sup>2</sup> as well as Minister Howlin making keynote addresses on the theme, such as to the Irish Whistleblowing Law Society Inaugural Event on July 2015.<sup>3</sup>

### **Government and non-government view of what happened**

In developing the Act that was completed in July 2014, there is solid evidence that the government performed wide public consultation on the legislation, including consulting with members of the Irish Congress of Trade Unions (ICTU), the National Union of Journalists (NUJ), The Irish Business and Employers Confederation (IBEC), and Transparency International Ireland.<sup>4</sup> In interviews with civil society actors, particularly from Transparency International, a general view is that the government listened carefully to what civil society had to say and was receptive to their suggestions. One important example of this was removing the good faith clause from the final legislation.<sup>5</sup> With ample consultation and deliberation between 2012–14 coupled with research on international best practice in the area, the government's own view is that it has developed one of the most robust whistleblowing laws in Europe and the world, something verified by the IRM researcher's examination of academic articles and newspaper reports.<sup>6</sup>

### **Output and challenges**

The main action has been completed, but the main challenge is full implementation of the policy. The last part of the section considers solutions to how this main challenge may be met.

## **DID IT MATTER?**

### **Impact and ambition**

This initiative will have an important impact, because it will help create a different *culture* in Ireland, one which has historically been "reluctant to speak up against wrongdoing" and has shunned informers as "outcasts."<sup>7</sup> From this perspective, the main objective of this commitment is to enact an adequate framework to ensure accountability, particularly within the civil service. Moreover, given the broad nature of the legislation developed, which seeks to regulate wrongdoings in the private workforce as well, its overall scope empowers all working citizens who can demand accountability in a democratic society. Taken together, it is a very ambitious initiative that is potentially transformative, particularly in context of creating a different culture in Ireland. In short, the commitment has the potential to change and shed light not only on politics in Ireland, in general, but also workplace politics,<sup>7</sup> in particular.

### **Has it set out what it was meant to do?**

Because the policy has come into force in the first year of the action plan, it is difficult to evaluate its full impact at this stage. For one, the government is still in the process of issuing further guidance on implementation, and it is still a matter of time to see the complete impact once it is fully rolled out. That said, there is nevertheless evidence of the policy having had some impact, even its first year, as seen in the case of a whistleblower who "has made allegations of financial mismanagement in the University of Limerick."<sup>8</sup>

## **MOVING FORWARD**

### **Next steps and potential recommendations**

Because the specific commitment outlined in the original action plan is complete, focus must be made on next steps, where in the next action plan (2016–18) the government may consider the following recommendations:

- Committing itself to publicize the Whistleblower Act more fully with a robust media campaign, allowing all citizens to know what this is fully about, and stressing that it is in everyone's personal interest to know about it. This may be achieved by partnership with a civil society organization, such as

Transparency International, which have a solid and sustained experience on Whistleblowing.

- Establishing an Independent Advisory Group/ Working Group (consisting of state, civil society and business actors) that monitors the implementation of the policy, seeking to better understand its real impact. The group may consider, for example, the number of Whistleblower cases that have emerged and in which sector of the economy (public and private), evaluating this on a yearly basis since 2014. If it is found that there is no positive increase in the number of cases over the four-year time-series, the group should study 'why' this is the case and subsequently consider pursuing remedies to ensure that Ireland's Whistleblowers legislation is working.

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<sup>1</sup>"The Protected Disclosures Act, 2014," Department of Public Expenditure and Reform, July 15, 2014, <http://www.per.gov.ie/en/protected-disclosures-i-e-whistleblowing/>

<sup>2</sup>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>

<sup>3</sup>Minister Howlin speech to 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>

<sup>4</sup>See DPER, *PROTECTED DISCLOSURES BILL 2013*, Regulatory Impact Analysis, page 25, whose link can be found at the bottom of: <http://bit.ly/1NvVbmW>

<sup>5</sup>See Lauren Kierans, 'A Whistle-Stop Tour of the Protected Disclosures Act 2014', *Accountancy Plus*, 4 December 2014, 13.

<sup>6</sup>On the OECD's comments that this is one of the most robust pieces of legislation in Europe, see: See Lauren Kierans, 'A Whistle-Stop Tour of the Protected Disclosures Act 2014', *Accountancy Plus*, 4 December 2014, 14. On Transparency Ireland's views of this representing one of the best standards in the world, see John Devitt's comments in the Irish Times Article of July 2014 which can be found at: <http://bit.ly/1wovNrK>

<sup>7</sup>This idea is based on comments by Minister Howlin, made in his key address to the Irish Whistleblowing Law Society entitled 'Protected Disclosures: the Legislation One Year on,' held on 14th July 2015. A copy of his address was given to the IRM researcher by the DPER official in charge of this Commitment during interviews July 2015. Further information on this event can be found on: <http://bit.ly/1VIFxk3>

<sup>8</sup>Joe Humphrays, "HEA chief to meet University of Limerick 'whistleblower'," The Irish Times, Oct 3, 2015, <http://bit.ly/1K7ciAU>





# V | PROCESS: SELF-ASSESSMENT

This section summarizes the process of the government’s self-assessment in its one-year mid-term review, examining the four main parts of its report.

**Table 1: Self-assessment checklist**

Was the annual progress report published?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Was it done according to schedule?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the report available in the administrative language(s)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the report available in English?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did the government provide a two-week public comment period on draft self-assessment reports?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Were any public comments received?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the report deposited in the OGP portal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did the self-assessment report include review of consultation efforts during action plan development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did the self-assessment report include review of consultation efforts during action plan implementation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did the report cover all of the commitments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## SUMMARY OF ADDITIONAL INFORMATION

The government's mid-term self-assessment was published on 21 September 2015 on the OGP website. At this time, it was opened up for public consultation. The government also told the IRM researcher that it emailed notification of the self-assessment to dozens of stakeholders that have participated in the OGP process. The public consultation period ran well beyond the two-week minimal time period and was extended to October 12, 2015. In terms of quality of the self-assessment report, the report itself was a clear, succinct twelve-page document, accompanied by an ample annex of over 80 pages which detailed the progress of each of the actions. Overall it:

- Was introduced well, setting the context of the report
- Discussed the consultation during the action plan development, covering main events during consultation that started in the summer of 2013 (as outlined in Section II of this report). Reflecting consultation during implementation of individual actions and as a whole.
- Focused on the implementations of the three main sections of the action plan (evaluated in Section IV of this report)
- Concluded by outlining lessons learned and next steps. Some of the comments raised in this section of the government self-assessment will be addressed in Section VII (General Recommendations) of this report.

# VI | COUNTRY CONTEXT

There are no significant actions that are not covered in the Action plan 2014–16 that will impact on OGP values or the country’s participation in the OGP. Nevertheless, in terms of *country context* and given that the last elections in Ireland were in 2011, it is important to note that within the next six months (i.e. early 2016) it is expected that there will be a general election in Ireland. As such, there is no certainty that the government in power when the action plan was negotiated (Fine Gael–Labour coalition government) will be re-elected and be involved in the second action plan. Having an election during year 2 of the action plan may also result in remaining commitments in action plan which have not been completed being delayed. This is because elections usually imply very little legislative production and, potentially, shifts in policy and program orientation. And it also may mean that there may be a delay in developing the second action plan. Without full information at the time of writing, however, it is difficult for the IRM researcher to predict concrete future developments.

## STAKEHOLDER PRIORITIES

*Stakeholder priorities from the current action plan* covered different aspects of the three main sections in the 2014–16 action plan. If a qualitative judgment is to be made with regard to which was the newest, and novel important set of actions, then one could argue that the commitment to open data initiatives, particularly the Open Data Portal as well as the data available on it, was the most important in this regard. These were particularly salient because, compared to all of the other initiatives in Section 2 and 3 of the action plan, Section 1 of the action plan represented large, new initiatives that did not stem from previous government initiatives from its Programme for Government. For example, many of the initiatives in Section 3 of the action plan related to regulatory policies, which were already on the government’s agenda before action plan consultation took place as discussed in more detail in Section IV which analyzes the Actions. Rather, open data initiatives in the action plan were something

new, whose mandate in many ways was shaped largely by civil society actors. Given that Open Data initiatives remain to be fully implemented, these may be carried forward to the next action plan.

Also, as discussed in Section IV of this report, several of the other commitments beyond open data did see strong interest from civil society and citizens alike, particularly those related to the marriage equality referendum (Section 2 of the action plan) as well as that on Whistleblowing legislation and Lobbying Regulation (Section 3 of the action plan), all of which saw stakeholder engagement during the development and completion of the actions which do not need to be carried forward to the next action plan.

Internationally, the same-sex marriage referendum—the campaigning and the results when it was approved—gave Ireland very positive national and, more importantly, international attention, which citizens and stakeholders consulted in this research are very proud of. Section IV’s analysis in this report also showed that both the Whistleblowing and Lobbying Regulation laws developed, with strong input by a variety of stakeholders, objectively represent domestic laws which have established Ireland as being one of the world leaders in formulating robust regulatory policies.

*With regard to priorities for the next action plan:* first, stakeholders would welcome more actions on Open Data, and in interviews one of the main priorities mentioned would be to have more clearly defined steps for consultation with regard to the implementation of Open Data policies; key data sets identified and available; and guaranteed representation on governance boards in order to drive the Open Data process further and meet the need of users.

*Second,* another important initiative (discussed in the final recommendation in Section VII of this report) is to establish clear guidelines on how to systematically incorporate public consultation when all policy is developed. This will extend beyond Action 2.1, which is presently reviewing the guidelines and principles for consultation with the public in relation to policy

development.

*Third*, beyond specific Actions or commitments, another main priority that stems from the interviews conducted is to establish a clear mechanism to oversee the overall implementation of the action plan as a whole, particularly the development of the Implementation Review Group (IRG). Many civil society leaders consulted in this study, in particular, remain somewhat disillusioned with the OGP process: despite consultation and engagement having taken place in the action plan's development, such consultation has been wanting during the action plan's implementation. If an IRG is not established before then, the next action plan, therefore, should clearly state concrete steps to develop the IRG. With this in mind, a potential way forward is outlined by the IRM researcher in the third recommendation found in Section VII.

## SCOPE OF ACTION PLAN IN RELATION TO NATIONAL CONTEXT

*With regard to the scope of the plan in national context*, the action plan 2014–16 reflected, in a very positive way, an attempt to add transparency, accountability and increased participation in a country that was plagued by opaque and sometimes dirty politics during the financial and economic crisis which almost crippled the Irish state in the 2000s. In this regard, the plan did attempt to make a comprehensive list of regulatory policies (as seen in particularly Section 3 of the action plan), aimed at creating good governance structures that regulate both public and private actors involved in political decision making, thereby increasing transparency and accountability. It also made attempts to increase information to citizens in order to empower them (Section 1, Open Data) as well as increase citizen participation in deciding on laws that impact all citizens (Section 2, particularly the Referenda). That is not to say that there is no room for improvement, however, a discussion which is turned to in Section VII which considers General Recommendations going forward.

# VII | GENERAL RECOMMENDATIONS

While specific recommendations for each of the individual commitments are made in Section IV of this report, these more general set of recommendations that are all interlinked with each other outline general steps for Ireland and the OGP process.

## CROSSCUTTING RECOMMENDATIONS

The main five recommendations, explained in full, are as follows:

- 1. Get the OGP word out.** Except for those stakeholders involved in the formulation of the National Action Programme, most Irish citizens still do not know that Ireland is part of the OGP or what it really means, something that the government has indicated in its self-assessment report. By getting the word out, citizens are more likely to engage in the OGP Process. Solutions to this problem include:
  - Beyond the dedicated OGP Ireland webpage, more advertising needs to be done in the local media regarding what action plan is about, highlighting the benefits all citizens can gain from the open-government process. This will inevitably increase the number of stakeholders who will become engaged and who have something to gain if the process works out, and something to lose if it does not.
  - Having government and civil society organizations together taking part in media interviews together to get the OGP word out, highlighting successes so-far attained in the Action plan.
- 2. Create an OGP Team.** This team from the state will serve as a point of contact for the different public bodies, stakeholders, and citizens alike. Interestingly, in some interviews with government officials, the IRM research team found out that some of the government officials were not even sure how some of their actions even got into the action plan. This is not their fault, but reflects a lack of full coordination. In this regard some solutions are:
  - Although there is a full-time member of staff in DPER to support OGP, it is recommended to create a robust team of a few officials (not necessarily out of the Department of Public Expenditure and Reform only, that is presently coordinating the process) that is dedicated to OGP. These officials should meet on a monthly basis and coordinate with other members of state the Actions established across all relevant public bodies more fully. In this regard, there needs to be a 'whole of government' approach that convincingly informs other departments and public servants and underlines the importance of OGP in Ireland.
  - This 'OGP team' can also serve as the dual role as the state's 'public face' for the OGP, and also be involved in outreaching to the public per Recommendation 1. This will help foster a permanent dialogue mechanism to be created during implementation, not just during the development of action plans.
- 3. Establish the Implementation Review Group (IRG) in three steps.** With points raised in Section III of this report in mind (on the difficulties in establishing and IRG, as also reported by the government in its self assessment report), a three-fold proposed for establishing the IRG going forward is as follows:
  - Leaders of civil society need to build bridges and further map out amongst themselves how they envisage civil society organizations and individual citizens should be represented on the IRG. With Recommendation 1 also being taken into consideration, more citizens can become engaged in this process along with civil soci-

ety to map out their views on the IRG, once they are aware about what the OGP is, and its successes to date. So doing will increase the interest in, and plurality of, the members of the IRG, all of whom have something to gain in ensuring strong implementation. In order to prevent perceptions that the 'state' is "steering" this process, an "independent mediator" (from neither state nor civil society) should chair these publically announced meetings.

- The results of these meetings should then be taken to the "OGP team" established by the state (per Recommendation 2 above). With more state resources dedicated to OGP by having created the OGP Team, the state will be in stronger position to constructively spend more time to engage with all stakeholders, listening to their solutions for developing an IRG.
- In order to arrive at a final solution acceptable to all, a series of meetings should then be publically announced and held on a firm schedule, with the view that an IRG must be established within a fixed time frame (ideally as soon as possible). Neither the state nor civil society should chair these meetings to establish the IRG, but, rather, an independent mediator (different from that in bullet point 1 of this recommendation) should be entrusted to this task.<sup>1</sup>

#### 4. **Reduce but don't recycle in the next action plan**, which means:

- *Reduce the number of commitments:* Two problems of the original action plan were noted in Section IV. Some of the commitments were effectively endogenous, or, they stemmed from another or were the same thing as the other. This is seen in Action 1.7 and Action 1.5, where Action 1.7 simply repeated what was already mentioned in Action 1.5. So doing creates the perception that completing the action plan is a 'box-ticking' exercise, rather than a meaningful one which outlines clear, individual actions aimed at opening government and completing them. Second, some commitments (particularly Action 2.6) had many sub-commitments. While this specificity and detail is wel-

come in the action plan, some of the sub-commitments objectives were not clearly laid out, did not have a benchmark for completion fully articulated, or did not have a clear coordination strategy given that the action involved several departments. Most obviously, having so many sub-commitments (and commitment in general) means that it is difficult to finish those which stakeholders—and the government—may want to see prioritized, resulting in a limited number of resources being stretched out and not completing as much as could have ideally been done. This should be taken into consideration when the next action plan is developed.

- *Recycle pre-existing initiatives less:* save the Open Data Actions in the action plan. As seen in Section IV of this report, many of the Actions in the action plan were already part of the Programme for Government, or part of the government's agenda well before the OGP/action plan consultation process began. Although stakeholders did participate in the development of the action plan and were able to get their items on the reform agenda (as seen in Action 3.3 in the reduction of Fol fees), one may argue that stakeholders perceived that because many of the Actions were pre-existing before OGP development, there was less of a need to have full stakeholder consultation during the implementation phase of the action plan. Everything being equal, several of the actions were likely to have gone through anyway, with or without the OGP. Going forward when the next action plan negotiations take place, the government should take care to not simply "piggy-back" pre-existing initiatives onto the action plan but create new ones developed fully with all stakeholders who are closely involved in the implementation as part of the IRG (Recommendation 3).
- #### 5. **Find a balance between participatory democracy and technocratic efficiency.** The OGP Process highlights the need for increased civic participation. But increased participation may detract from an efficient production of policies, which some govern-

ments may disapprove of, because it may effectively lead to increased instability in the political system. Nevertheless, the development of some actions in Ireland does clearly show that a fine balance can be made, where there was intensive stakeholder participation in efficiently creating laws that are also shaped by highly intelligent and informed civil servants with technical expertise who listened. These laws, notably on lobbying regulation and Whistleblowing, can probably be considered some of the most robust in Europe. Other actions, unfortunately, such as those on open data, suggest that a right balance is still wanting, given that there is not full stakeholder participation as of yet.

Taking from the positive experiences, we can conclude that the process seen when lobbying regulation was developed in Ireland serves as a framework that demonstrates that a consultation process employed in some of the individual actions works in creating efficient policies. Learning from this, special attention must therefore be paid to developing more broad, robust procedures that clearly outline the following: the importance of public consultation; when it should

be done; how it should be done; and how it will be put into mandatory practice when policy is made. Indeed, Action 2.1 is doing a review on some these questions, but is not yet completed and is not envisaged to result in a creating a clear set of legal regulations on public consultation that will be “binding” on each of the Departments, something which may be considered for inclusion into the next action plan. A main recommendation is that stakeholders and the state must ensure that this Action and similar subsequent actions, are done in a way that promotes finding the satisfactory balance between participation and efficiency. This will serve as a framework for developing the next action plan, in particular, and any policy developed in Ireland in the future.

## TOP FIVE “SMART” RECOMMENDATIONS

1. Get the OGP word out
2. Create an ‘OGP Team’
3. Establish the Implementation Review Group in three steps
4. Reduce (the number of commitments), but don’t recycle (pre-existing initiatives) in the next action plan
5. Finding a balance between participatory democracy and technocratic efficiency

<sup>1</sup> Establishing an independent mediator who chairs the meetings in bullet points 1 and 3 of this Recommendation (3) is no easy task. An easy solution to finding such an mediator is based on the work of Peter Stone (Luck of the Draw: The Role of Lotteries in Decision Making, Oxford University Press, 2011) as follows: randomly choose a mediator by lottery from the list of registered voters. He/she can be confirmed as mediator once it is established that he/she has no association with the government/civil service/civil society and is happy to take up the task (which would be paid for by the funds the state has earmarked towards the OGP).





# VIII | METHODOLOGY AND SOURCES

This is qualitative based analysis that relies on documentary sources and gathering of public and private actors' opinions as follows:

## DOCUMENTS ANALYZED

The range of documents that were analyzed included:

- The original action plan 2014–16, government updates on the action plan throughout the year, and the self-assessment report provided to the researcher on 21 September 2015.
- Documents produced and exchanged during the action plan consultation, including those produced by the Joint Working Group, the Citizen Forum, and comments received/inserted into documents by members of civil society found in the OGP Document Library (see below)
- Government (and Committee) reports, bills and laws, which are cited throughout Section 4 and were relevant to each of the actions. Many of these sources are available on the web as noted throughout the report, the government gave the minutes of some meetings to the IRM .
- Newspaper articles (from both local and international media)
- Academic articles and books on various themes reported on (particularly those regulatory Actions examined).

## INTERVIEWS AND FOCUS GROUPS

Research for this report also incorporates the views of different public and private national stakeholders involved in and impacted by the action plan. This evidence was obtained as follows:

- The government: 16 open-ended interviews were held with public officials on each of the actions throughout the study. Around a third of these

interviews involved more than one government official in the interview setting. All but two of these interviews (which were by phone) were face to face. The IRM researcher conducted the interviews with the team's Research Assistant, Michele Crepaz (PhD Student, Department of Political Science, Trinity College Dublin) in all of these interviews, except one that was done by Crepaz. Slightly before and after these interviews on the individual actions took place, two interviews on the more general dynamics of action plan development and implementation also took place between the IRM researcher and state officials. In terms of ensuring full and accurate information from the state, many of the interviews with government officials were supplemented by phone calls or e-mail correspondence with the interviewees in order to clarify points on which there were remaining questions.

- Stakeholders/Civil Society: the IRM researcher held 10 interviews with a wide range of civil society actors that were representative of/had interests in each of the main 3 sections of the action plan throughout the study. Most of these were open-ended face to face interviews, others by phone.
- Beyond the close to 30 interviews above:
  - The IRM researcher team attended the public information gathering and consultation event on action plan implementation, which was held in Dublin on 14 July 2015. This gathering, in which dozens of representatives from civil society and the state attended, gave the research team an opportunity to have shorter, more informal conversations with civil society actors in particular (beyond the ones interviewed above) with regard to the action plan's formulation, implementation, and overall progress.
  - A focus group with civil society was organized by the IRM researcher on 19 September 2015 in the

Department of Political Science, Trinity College Dublin. The theme that the group focused on was on the formulation and implementation of open data initiatives in action plan. The attendees offered frank, and in many ways very educating, comments on what the goals of open data actions are, what are the strengths and shortcomings of the present implementation strategy, and what needs to be done in order to move the open data process forward in Ireland. This was particularly useful, considering that the open data initiatives in the action plan represent somewhat of a novelty, when compared to many other Actions that were already on the government agenda before OGP (as discussed in this report.)

In writing this report, the IRM researcher has not attributed any one quote made by any person interviewed or consulted in the IRM Research team's investigation: anonymity was guaranteed. This is normal procedure that the IRM researcher has followed in his research for 5 books and over 30 articles and book chapters to date.<sup>1</sup>

## DOCUMENT LIBRARY

The IRM uses publicly accessible online libraries as a repository for the information gathered throughout the course of the research process. All the original documents, as well as several documents cited within this report, are available for viewing and comments in the IRM Online Library in Ireland at <http://www.ogpireland.ie/>.

## ABOUT THE INDEPENDENT REPORTING MECHANISM

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

The current membership of the International Experts' Panel is—

- Anuradha Joshi
- Debbie Budlender
- Ernesto Velasco-Sánchez
- Gerardo Munck
- Hazel Feigenblatt
- Hille Hinsberg
- Jonathan Fox
- Liliane Corrêa de Oliveira Klaus
- Rosemary McGee
- Yamini Aiyar

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at [irm@open-govpartnership.org](mailto:irm@open-govpartnership.org)

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<sup>1</sup> See <http://bit.ly/1ZZH31L> for a summary of publications to date. On the IRM researcher's work on lobbying regulation, please see <http://bit.ly/1PgIOkand> on a recent Oxford University Press book authored by the researcher please see <http://bit.ly/1WLhGww>.

# IX | ELIGIBILITY REQUIREMENTS ANNEX

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

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

Criteria	2011	Current	Change	Explanation
Budget transparency <sup>cii</sup>	ND	ND	ND	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information <sup>ciii</sup>	4	4	No Change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration <sup>civ</sup>	4	4	No Change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No Law
Citizen Engagement (Raw score)	4 (10.00) <sup>cv</sup>	4 (10.00) <sup>cvi</sup>	No Change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
<b>Total / Possible (Percent)</b>	12/12 (100%)	12/12 (100%)	No Change	75% of possible points to be eligible

<sup>ci</sup>For more information, see <http://bit.ly/1929F11>

<sup>cii</sup>For more information, see Table 1 in <http://bit.ly/13LdWoa>. For up-to-date assessments, see <http://bit.ly/1NCC7FY>

<sup>ciii</sup>The two databases used are Constitutional Provisions at <http://bit.ly/1lnjKB> and Laws and draft laws

<sup>civ</sup>Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009): <http://bit.ly/19nDEFK>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009). <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). <http://bit.ly/1clokyf>; For more recent information, see <http://bit.ly/1hjHfEJ>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>

<sup>cv</sup>Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: <http://bit.ly/eLC1rE>

<sup>cvi</sup>Economist Intelligence Unit, "Democracy Index 2014: Democracy and its Discontents" (London: Economist, 2014). Available at: <http://bit.ly/18kEzCt>



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