



OPEN GOVERNMENT SYSTEM GUIDELINES

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1. WHAT IS AN OPEN GOVERNMENT SYSTEM?

Open government is a transparency system that allows citizens to monitor the activity of elected representatives, government members and public officials, holding them accountable for their actions and decisions, and therefore empower civic participation.

The importance of such a system is widely recognized in many fields, and is particularly relevant for the fight against corruption. As outlined in the United Nations convention against corruption, many of the key steps that need to be taken to fight the improper and illegal use of public and private resources have to do with more transparency and public accountability in political institutions.

This is particularly true for local politics. While national institutions, because of their economic and political importance, are constantly under the public radar, this is often not the case for local governments. Furthermore, local institutions, specifically municipalities, being the closest political entities to the needs of citizens, often operate in high risk areas.

Open government is a very complex and broad concept. It can involve numerous actors, tools, strategies and implementations. Therefore, what needs to happen in order to unfold successful open government policies is to understand what specifically wants to be achieved.

Focusing on the fight against corruption means following three directives: the decisions, the decision makers and the money. Local municipalities need to understand that only by granting access to all relevant information regarding these three areas, the necessary steps can be taken to reconstruct the personal and political responsibilities for illegal decisions and actions.

In this regard the importance of data cannot be understated. Informing does not mean being transparent. The necessary documents not only need to be made available, but also in the correct format in order to foster reuse by citizens, mainly activists and journalists. A correct data culture at local level means allowing the construction of complete open government tools that can be used at all moments once triggering actions take place.

2. WHAT ARE THE MOST VULNERABLE SECTORS THIS SYSTEM/TOOL SHOULD ADDRESS?

As mentioned, in order to implement successful open government policies at local level, three areas need to be addressed: the decisions, the decision makers and the money. These are the most vulnerable sectors, the backbone of effective open government policies to fight corruption at local level. Only by properly addressing all three areas citizens can effectively hold those in power accountable for specific decisions.

The decisions

The first most vulnerable area to consider are the decisions that are being taken by the municipality. What is important to bear in mind is that other than making available finished and approved documents, priority must be given to the entire decision making process. This means giving full access to preliminary work, draft documents as well as all amendments that are discussed and approved. Only by reassembling the entire chain of single actions that brought to a final decision we can say that all crucial elements are available to properly monitor the situation. The importance finally of proper record keeping of local government decisions also needs to be acknowledged. This involves: bills, resolution, motions, amendments and so on.

The decision makers

Elected representatives and local government figures are those that can abuse their power to undertake illegal actions. This does not only concern the fact that these individuals can proactively behave improperly, but also that they can become the target of external forces attempting to corrupt them. For this reason, thorough transparency must also be applied to information concerning elected representatives: their proposals, votes, decisions, attendance, encounters, properties, earnings and private donations received.

The money

Lastly, in dealing with corruption, money and financial interests are obviously a key area to deal with. Two spheres are closely related. The first one regards municipal budgets. Open budgets initiatives are crucial in order for citizens to better understand how municipal money is being spent. These also include public procurements, evidently priority areas considering the vulnerability of the sector. The second sphere that needs to be addressed concerns the financial interests of elected representatives and government officials. This means having access to information regarding income, properties, shares in companies and, most importantly, contributions from private donors during electoral campaigns.

3. WHO ARE THE SUBJECTS/STAKEHOLDERS INVOLVED?

The benefits of implementing a real open government strategy at local level involves a wide number of subjects.

Elected representatives

The first key stakeholders are certainly the elected representatives themselves. Transparency is often perceived as a strategy that wants to interfere with the activity of

politicians. However, it is significant to recall that even those in power can benefit from a proper open government strategy. These policies can in fact help municipal council members to communicate with citizens their accomplishments. Data being published in open government portals can be used as the basis for reporting material by politicians, in order to better track their personal activities and show specific contributions to the decisions being taken. At the same time, instruments like the open budget platforms, that often include the creation of citizens' budgets, help administrations to get closer to citizens with more effective communication campaigns.

Citizens

Consequently, citizens are the second subject that can strongly benefit from effective open government strategies. The one thing that these platforms do is to empower citizens, improving their ability to be active and informed individuals. The most obvious aftereffect is the possibility for citizens to better comprehend who represents them in the municipal council, which decisions are being made and what is happening politically at local level. By voting and electing representatives, citizens take part in the great circle of democracy. By being informed and having the tools to evaluate who they voted, citizens can hold elected representatives accountable. These mechanisms ensures democracy.

Civil society, journalists and researchers

The third stakeholder involved are activists, researchers and journalists. While open government policies have the obvious obligation to intercept two closely related target groups, citizens and those elected by citizens, another key player comes into place. Especially in the fight against corruption civil society activists, journalists and researchers are very important players to keep in mind. Their purpose in this mechanism is to make sure that the huge potentiality of the data and information being published is not wasted. These players not only need to be involved in the outlining of open government policies, but also in the design and implementation of open government portals and applications. They are the ones that can report wrongdoings, investigate illegal activities, interpret the data, study dynamics and use all of this to advocate for better legislation.

Business and investors

Lastly open government initiatives are a possibility to create a more secure and fair business and investment environment. More open and transparent decision making processes, especially in fields such as public procurements, can be an incentive for national but also foreign companies to invest. The possibility for businesses to access key information, both regarding the budget and the legislative process, ensures that public procedures and actions are taken properly, legally and most of all efficiently.

4. DECISION MAKING PROCESS, THE INFORMATION WE NEED TO KNOW

Transparent decision making is critical in the fight against corruption. Being able to have full access to all acts being worked on at municipal level is important not only to monitor political activity, but also to have all the necessary pieces to reconstruct the events that brought to specific wrongdoings. Without adequate record keeping, decision making transparency is severely weakened.

In order to have all the pieces available, a correct open government strategy needs to address one same issue, with several different focuses. This signifies that each single event must be communicated with three specific focal points: the acts, the votes and the people. Only by addressing all the facets of these three elements can we say that we are correctly dealing with the matter.

Acts

The decision making process at local level aims at improving the living condition of cities through the approval of specific acts. Therefore, the starting point of an open government strategy must be the accessibility to all acts and documents being produced by the municipal council and local government.

This not only means those acts that result in concrete actions, but also motions, points of order, interrogations and more. Attempts of favoring specific private interests can take place in a number of ways, so limiting transparency to a confined number of documents can be harmful. In this sense much attention needs also to be given to preparatory documents, all the preliminary work that is needed to reach a final decision.

Understanding the importance of monitoring the whole process is key to avoid leaving pieces behind. This also involves all amendments, not only approved ones. Attempts to modify legislation being approved can well easily be the gateway to illegal wrongdoings. A proper open government strategy therefore should give access to all documents being produced by elected representatives and decision making bodies, in a machine readable format.

Lastly when specific documents go through voting sessions, these need to be well documented and accessible. Electronic voting in this regard must be a cornerstone of the process. Often municipalities tend only to publish some summary detail of votes on acts that are approved. What is however ideal is having precise and comprehensive information on all votes that take place, with accurate indications for each council member.

Sessions and votes

All moments, even those that don't produce approved documents, are important. The ability to monitor the daily activity of both the municipal council and city government is

vital. Once again this is a field in which publication and information is often confused with transparency.

A correct open government strategy should not limit itself to a live video stream of meetings and the creation of a video archive of all council sessions. In these circumstances written transcripts of all meetings and sessions are essential. The difference between having a video and having a transcript is the possibility to analyse a vast amount of information quickly, using technology to search for key words and promptly intervene when specific situations emerge.

In addition to a comprehensive transcripts archive of all sessions and meetings, special attention must be given to votes. Again, meticulous transparency measures are the only way to accurately deal with the matter. Summarized voting results (i.e. total number of those in favor vs total number of those against) for each session does not allow to really put in place a risk-assessment mechanism to intercept wrongdoings. Each voting session needs to include the list of all council members, indicating their decision on that specific act.

In addition, as often incorrectly happens, transparency should not limit itself to communication on approved documents. An important amount of acts do not get the green light from city council and government. Attention should also be given to these voting sessions, as even a failed attempt to interfere with local political dynamics is worth the attention of the public.

People

The third focal point of a successful open government strategy that allows to fully monitor the decision making process, is the people, meaning elected representatives, local government members and officials.

Citizens should have the ability to monitor the complete activity of all council members: acts they presented, attendance to sessions, votes on specific matters and speeches held. This implies that the same importance should be given to all those elected to represent citizens, as well as those nominated to be part of the local government.

Other than the day to day activity, open government strategies should prioritize the publication of economic and financial information of all those in power within the municipality. This does not only include elected representatives and local government members, but also civil servants that work as government officials. This implies making available information such as: annual earnings, properties as well as appointments and shares in private companies.

In addition, and this only refers to those that were elected in office, data on private donations received during the electoral campaign should be published, as well as a declaration of how that money was actually spent (e.g.; ads, billboards, rallies, ect).

Lobbying

Lastly the work of private lobbies should be addressed. In order to comprehensively monitor the decision making process, one must be able to understand what (and who) contributed in taking specific decisions. This obviously includes meetings with private companies, trade unions, NGOs: all those that represent specific interests.

A lobby registry should therefore be put in place. This will force members of lobbies to register if they want to meet with members of government, council as well as local government officials. A registration that will need to include transparency on a number of key details, such as the main field of operation, names of people involved as well as the specific budget allocated to lobbying.

A comprehensive open government strategy should also make available the agenda of meetings of all those in power at local level: local council and government members, as well as government officials. This operation needs to include pivotal details, such as: date of the meeting, who was involved, what was discussed and where did the meeting take place.

5. BUDGETING, THE INFORMATION WE NEED TO KNOW

The indispensable nature of an open budgets strategy is universally agreed upon. The OECD has been working for some time now on making governments understand [the benefits of budget transparency](#). The UNCAC also claims for the need to “Take appropriate measures to promote transparency and accountability in the management of public finances” (Article 9).

But while the importance of fiscal and budget transparency at a national level has been a topic of discussion for some time now, the same cannot be said for local governments. Little has been done to properly deal with the issue, and though many major cities have implemented open budgets platforms, many of these experiments appear to be inadequate.

Decisions making process

One of the many issues that appear to be evident when analyzing examples of open local budgets platforms is the little information made available on the decision making process.

This consideration is obviously closely related to the need of more and better transparency in the decision making process. An issue that is even more critical when dealing with municipal budgets, probably the most important act approved by the local governments.

Citizens must be kept informed on the entire process: from the presentation of the draft budget, all the preparatory documents, amendments that are being presented, discussion and voting sessions.

Implementation and variation

Managing a city is a complex task. This is particularly true for the implementation of the approved budget. Throughout the course of a fiscal year many events happen, and local administrations are forced to vary what was originally approved. Furthermore, unexpected circumstances can oblige governments to take unforeseen decisions that have severe repercussions on the budget.

Therefore, it is vital to plan the publication of monthly (or at least quarterly) updates on the variations to the approved budget that events are forcing. A monitoring process that also has to do with how the money is actually being spent (ie. public procurements), and how the municipality is advancing in reaching its financial goals and objectives.

Especially with financial and economic information, open government efforts must aim at an ongoing dialogue with citizens. Open budgets initiatives should be seen as a way for elected representatives to better communicate with citizens, explaining why certain decisions were made, and showcasing the economic repercussions of specific events.

Citizens budget

As illustrated by the [International budgets partnership](#), citizens budgets are designed to present key public finance information to a general audience. They are typically written in accessible language and incorporate visual elements to help non-specialist readers understand the information. The format should also ensure accessibility to the general public.

Local governments need to understand the importance of ensuring that citizens have a firm understanding of the many ways the budget affects their lives. Citizens budgets should be produced with civil society organizations and advocacy groups and should aim at creating targeted communication campaigns.

Citizens must be involved as informed stakeholders on how the municipality is managed. Financial information is often complex, therefore citizens budgets should aim at fostering a greater understanding of how public money is being managed.

External oversight

External oversight on budget means checking the legality and the accuracy of public accounts. This must be done by external actors in order to make sure that a proper evaluation of the system is carried out (ie audit reports). Budget oversight includes a

number of activities that aim to measure whether public resources have been used appropriately, effectively and efficiently.

These documents need to be made available to the public allowing citizens, especially civil society, to have more tools to better evaluate the management of public resources. It is important that these documents are published in a timely manner, as delayed publication often makes these documents useless.

6. DATA COLLECTION AND REUSE

Open government strategies are counterproductive if all the necessary information is not published in the proper way. That is why if an administration aims at implementing policies to improve the level of information made available on the decision making process and the budget, this must be done in a specific manner.

The importance of data cannot be underestimated, especially the importance of correct data publication. This can make the difference between making information available for PR purposes, and committing to a real and efficient open government strategy.

How should data be collected

An efficient open government strategy requires a change in mentality inside the administration itself. Many issues discussed in this document concern information that is already being collected by local government officials and staffers.

However, very often this information are incorrectly collected, using erroneous methodologies and most of all ignoring the purpose of the action itself. The data and information that has been outlined so far should not be collected for archiving purposes, or simply to comply with national legislations that might be pertinent.

The data must be collected bearing in mind that it should meet open government standards. This implies setting up information collection infrastructures that are data oriented. A process that needs to involve civil society organizations and relevant stakeholders that might use this information to carry out civic participation campaigns and initiatives. Collection should be done with the purpose of truly contributing to useful data releases and data reuse.

How should data be published

Information and data should follow the best possible open data standards. Making available machine-readable data is key in order to allow journalists, researchers and civil society organizations to set up that monitoring culture necessary to intercept

wrongdoings and corruption. This entails data in a format that can be processed by a computer and does not need massive human intervention to be analyzed.

Data should therefore be published in a complete manner, from the primary sources and made accessible in a timely manner. The highest level of granularity should be prioritized, and not be published in aggregate or modified forms. Data needs to be non-proprietary and most of all license-free.

7. FURTHER RECOMMENDATIONS AND WHAT IS HAPPENING AROUND THE WORLD

Final remarks

The only way for an open government strategy to be an asset in the fight against corruption across municipalities is to be as comprehensive as possible. Nothing can be left behind, and all actions must be done in a certain way.

The goal is to have an infrastructure capable of doing two things. Firstly, making sure that any person or entity (the municipality itself, CSOs, journalists) can use what is being published to create the proper tools to allow citizens to fully monitor the daily activity of elected representatives, local government members and officials. Other than being able to follow the day by day activity, a successful open government strategy needs to allow ad-hoc investigations when specific things happen. Especially in the fight against corruption it becomes pivotal to activate precise investigative actions to reconstruct events when wrongdoings take place.

Therefore, if on the one hand a proper strategy requires tools to constantly monitor high risk areas, on the other hand municipalities need to make sure that when illegal activities happen all the tools should be made available to pinpoint the dynamics that took place.

International debate

As mentioned, open government has been a widely acknowledged tool to both better the relationship between citizens and political institutions, as well as shed the proper light on the activity of those in power in order to avoid corruption and wrongdoings.

Though much of the work that has been done refers to national governments and political institutions, they can well easily also apply to local municipalities.

In 2016 the [Open government Partnership](#) launched the “Subnational Government Pilot Program”, recognizing the importance of [local open government](#). A process that continued in 2020 with the development of a new strategy based on three pillars. In a way this

confirms how local institutions, which engage more directly with citizens and that manage many crucial public services, need to be part of the open government movement.

The [United Nations Convention against Corruption](#) exhibits in various occasions the importance of transparency and accountability as preventive anti-corruption policies and practices. Some examples that are mentioned in the document are: private funding information of candidates for elected public offices, data on public procurements, accountability in the management of public finances and enhancing transparency in public administration, including with regard to its organization, functioning and decision making processes. Elements that were largely dealt with throughout these guidelines.

In some ways many of the principles listed in the "[Declaration on parliamentary openness](#)" launched in the World e-Parliament Conference in 2012 can, and should, apply also to local governments. Especially in regards to promoting a culture of openness, making council information transparent, easy access to council information and enabling electronic communication of council information.

The same can be said about budgetary transparency. Several international organizations have been operating in this context: the [International Budget Partnership](#), the [Global Initiative for Fiscal Transparency](#), the [Partnership for transparency](#) and many more. Much work has been done on the issue by the [OECD](#), by carrying out activities such as the "[Recommendation of the council on budgetary governance](#)". One of the 10 principles discussed in the document is "ensuring that budgets documents and data are open, transparent and accessible".

This should be ensured through: a) the availability of clear, factual budget reports which should inform the key stages of policy formulation, consideration and debate, as well as implementation and review; b) the presentation of budgetary information in comparable format before the final budget is adopted, providing enough time for effective discussion and debate on policy choices and after the end of the budget year to promote effective decision making, accountability and oversight; c) the publication of all budget reports fully, promptly and routinely, and in a way that is accessible to citizens, civil society organisations and other stakeholders; d) the clear presentation and explanation of the impact of budget measures, whether to do with tax or expenditure, noting that a "citizen's budget" or budget summary, in a standard and user friendly format, is one way of achieving this objective; e) the design and use of budget data to facilitate and support other important government objectives such as open government, integrity and policy coordination across national and sub-national levels of government.

Best practices and recommended links

Open data portal of city of Barcelona: <https://opendata-ajuntament.barcelona.cat/en>

Participatory budgeting portal of city of Paris: <https://budgetparticipatif.paris.fr/bp/> + https://budgetparticipatif.paris.fr/bp/plugins/download/PB_in_Paris.pdf



Open budget portal from North Carolina: <https://www.nc.gov/government/open-budget>

Lobby regulation in Ireland: <https://www.lobbying.ie/media/6025/guidance-for-local-authority-members-updated-jan-2016.pdf>

Recommendations on lobby transparency:
<http://lobbyingtransparency.net/lobbyingtransparency.pdf>