

Open Government: beyond static measures

A paper produced by Involve for the OECD

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July 2009

Executive summary

The open government agenda has gained momentum over the past decade. It is now widely acknowledged that greater openness benefits not only citizens but also government itself, by prompting better record management, making decisions and services more efficient and, at best, serving as a safeguard against misgovernment and corruption.

The purpose of this paper is to introduce new indicators for measuring government openness. Existing open government indicators tend to focus either on the presence of key laws and institutions, or on citizens' perceptions of government performance. Neither option provides a full picture of comparative openness: the former gives little insight into the scope of the laws and institutions measured and the latter does not provide a quantitative picture of actual activities.

The indicators proposed in this paper are intended to fill this gap. They seek to complement, rather than replace, the existing data sets used for measuring government openness today. It is hoped that by improving the ways in which we assess open government, this project will contribute to a better understanding of what open government means in practice, which in turn will lead to improvements in the delivery of the openness agenda both in OECD member countries and worldwide.

The proposed indicators will be reviewed by the OECD for possible inclusion in future editions of its 'Government at a Glance' publication, a biennial report providing a snapshot picture of the performance of OECD member governments on a number of policy areas, including government openness.

The suggested indicators are the product of extensive discussions and correspondence between Involve, the OECD and the peer reviewers who contributed to the drafting of this paper. The drafting process took place from March to June 2009. These discussions resulted in a longlist from which the authors of this paper are recommending a shortlist of ten, each with a series of sub-indicators and follow-up questions to provide additional contextual information. They are:

- Indicators relating to law on access to information and documents:
 - The law presumes proactive publication of information.
 - The implementation of the law meets citizens' demand for information.
 - The law ensures equal access to information and documents for all citizens.
 - Complaints/appeals mechanisms available meet the needs of citizens.

- Indicators relating to Ombudsman/Information Commissioner Institutions:
 - The Ombudsman/Information Commissioner is independent of the Executive.
 - The Ombudsman/Information Commissioner's findings are acted upon.
 - The Ombudsman/Information Commissioner provides equal access to its reports and services for all citizens.

- Indicators relating to Supreme Audit Institutions:
 - The Supreme Audit Institution is independent of the Executive.
 - The Supreme Audit Institution's findings are acted upon.

- Indicators relating to consultation policies:
 - Public bodies are required to consult with citizens or other stakeholders in decision making.

These headline indicators should be read in conjunction with their respective sub-indicators and follow-up questions, as set out in Table 1.

Table 1: Shortlisted indicators on open government

Indicators relating to law on access to information and documents		
Suggested indicators	Sub-indicators	Follow-on question for contextualisation
The law presumes proactive publication of information.	Are officials obliged to proactively publish information and documents?	If yes: within what timeframes? If yes: which of the following categories of information are published proactively?: <ul style="list-style-type: none"> • structural information on the structure, functions and activities of the organisations, including annual reports • budget documents • tenders and contracts • access to information procedural information • information describing the types of record systems and their contents and uses • information on internal law and how policies/decisions are made • all government reports • commonly requested documents.
The implementation of the law meets citizens' demand for information.	How often are exemptions used (% of total number of requests for information)?	What are the five most commonly employed exemptions?
	How often are requests for information refused (% of total number of requests for information)?	n/a
The law ensures equal access to information and documents for all citizens.	Is there a fee for making requests?	If yes: what is the cost of making a request for information (% of average monthly income)? If yes: are exceptions available for those on low income? If yes: are exceptions available for requests made in the public interest?
	In how many of the following ways can requests be made? <ul style="list-style-type: none"> • in person • by phone/fax • online • by email • by mail. 	n/a
Complaints/appeals mechanisms available meet the needs of citizens.	How many appeals are made (% of total number of requests)?	What percentage of appeals are upheld?
	Are public interest tests used to override exemptions/refusals?	n/a
2. Indicators relating to Ombudsman/ Information Commissioner Institutions		
Suggested indicators	Sub-indicators	Follow-on question for contextualisation
The Ombudsman/Information Commissioner is independent of the Executive.	Does the Ombudsman/Information Commissioner submit its own budget requests to the legislature?	n/a
	Is the Ombudsman appointed and removed by an individual/body independent of the Executive?	Who appoints/removes the Ombudsman?

The Ombudsman/Information Commissioner's findings are acted upon.	Does the Ombudsman/Information Commissioner have the power to issue binding orders?	n/a
	What % of recommendations/orders made by the Ombudsman/Information Commissioner are implemented?	n/a
The Ombudsman/Information Commissioner provides equal access to its reports and services for all citizens.	Is there a fee for making appeals or complaints to the Ombudsman/Information Commissioner?	If yes: how much are the fees (% of average monthly income)?
	Is the Ombudsman/Information Commissioner obliged to make its findings and recommendations publicly available?	n/a
	Are actions taken or responses made by public bodies as a result of the Ombudsman/Information Commissioner's recommendations made public?	n/a

3. Indicators relating to Supreme Audit Institutions

Suggested indicators	Sub-indicators	Follow-on question for contextualisation
The Supreme Audit Institution is independent of the Executive.	Does the Supreme Audit Institution submit its own budget requests to the legislature?	n/a
	Is the Head of the Supreme Audit Institution appointed by an individual/body independent of the Executive?	Who appoints/removes the Head of the Supreme Audit Institution?
	Does the Supreme Audit Institution have the legal right to undertake audits of its choice?	n/a
The Supreme Audit Institution's findings are acted upon.	Does the Supreme Audit Institution have the power to issue binding orders?	n/a
	What % of recommendations/orders issued by the Supreme Audit Institution are implemented?	n/a

4. Indicators relating to consultation policies

Suggested indicator	Sub-indicators	Follow-on question for contextualisation
Public bodies are required to consult with citizens or other stakeholders in decision making.	Does the scope of the policy cover all organisations and institutions delivering services to the public?	If no: what organisations and institutions are exempt from the law?
	Are public bodies required to publish an official response at the end of a consultation exercise?	n/a

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About Involve

Involve specialises in public participation; it brings institutions, communities and citizens together to accelerate innovation, understanding, discussion and change. Involve makes a practical difference by delivering high quality public participation processes as well as undertaking research and policy analysis into what works in public and stakeholder involvement. It is a not for profit organisation, which receives funding from the Joseph Rowntree Charitable Trust, the Big Lottery Fund and the Esmée Fairbairn Foundation, among others.

Involve has helped leading public bodies and companies – including the OECD, the Ministry of Justice, the Department for Communities and Local Government, the European Commission, the States of Jersey, the Sustainable Development Commission, the BBC, the NHS Centre for Involvement, the Cabinet Office and numerous local authorities – engage with the public.

For more information visit Involve's website www.involve.org.uk or contact karin@involve.org.uk

Acknowledgements

The authors would like to acknowledge the invaluable feedback, questions and comments from the following individuals who read and commented on drafts of this paper. Inclusion in this list does not imply formal approval by these individuals and institutions of the content of this paper.

- Sari Aalto-Matturi, Oikeusministeriö, Demokratian vastuualue, Finland
- Sandra Coliver, Justice Initiative, USA
- Helen Darbishire, Access Info Europe, Spain
- Alex Dix, Dataprotection and Access to Information Commissioner, Germany
- Andrew Ecclestone, Office of the Ombudsmen, New Zealand
- Jonathan Fox, University of California in Santa Cruz, USA
- Maurice Frankel, Campaign for Freedom of Information, UK
- Juan Pablo Guerrero, Instituto Federal de Acceso a la Informacion Publica, Mexico
- Thomas Hart, The EU-China Information Project, China
- Geo-Sung Kim, Transparency International-Korea (South), South Korea
- Maeve McDonagh, University College Cork, Ireland
- Toby Mendel, Article 19, UK
- Marcos Mendiburu, World Bank Institute, USA
- Laura Neuman, Carter Centre, USA
- Mitchell Pearlman, University of Connecticut, USA
- Natasa Pirc, Information Commissioner, Slovenia
- Alasdair Roberts, Suffolk University Law School, USA
- Jan Schrijver, Ministry of Internal Affairs and Kingdom Relations, Netherlands
- Rick Snell, University of Tasmania Law School, Australia
- Steven Van de Walle, Erasmus University Amsterdam, Netherlands
- Wouter VanDooren, University of Antwerpen, Belgium

The authors are also grateful for detailed feedback from Joanne Caddy and Jordan Holt at the OECD and for research assistance from Adam Wentworth, Involve.

1. Introduction

There is growing consensus that openness lies at the heart of good and effective government as an essential ingredient of 21st-century democracy.¹ The OECD defines open government as ‘the transparency of government actions, the accessibility of government services and information and the responsiveness of government to new ideas, demands and needs’.² Together, these three building blocks are seen to support a number of benefits for government and societies: improving the evidence base for policy making, strengthening integrity, discouraging corruption and building public trust in government.³

The open government agenda is transforming how governments around the world conduct their business. Access to information laws, first pioneered in Sweden over 200 years ago,⁴ are becoming mainstream around the world, with around 70 countries having some variation of the law in place.⁵ A growing number of countries have independent oversight and enforcement bodies such as a Supreme Audit Institution, an Ombudsman Office, or an Information Commissioner to ensure that public authorities comply with their duties in relation to transparency and accessibility.⁶ Many governments are now also experimenting with ways of making public services more responsive to public needs, through consultations and other forms of citizen and stakeholder participation.

As governments commit more fully to the openness agenda we are beginning to see the impact these commitments have on governance and service delivery on the ground. This impact varies greatly between countries because the notion of openness is interpreted and implemented differently.⁷ Yet, despite these inevitable national variations, common principles about what openness means and how it should be implemented are emerging.

A number of attempts have been made in recent years to track, measure and compare the development of government openness internationally, including comparative analyses carried out by the OECD since 2002.⁸ These studies have tended to focus on the legal and institutional elements of open government, for example the presence (or absence) of a law on access to information, a Supreme Audit Institution or an Ombudsman office. As such, they provide useful insights into the spread and progress of these important framework elements of open government. Yet, in focusing solely on the presence or absence of the laws and institutions that facilitate openness, these studies only provide part of the picture. They tell us nothing about the scope of these mechanisms, or how scope affects outcomes. Importantly, they give no information about *impact* of these laws and institutions: whether they are complied with, how they make a difference, who they benefit and what efforts are made to ensure that they fulfil their purported role in ensuring more transparent, accessible and responsive government.

1.1 Purpose

The objective of this project is to take the first steps towards building a more complete picture of open government, one that puts the focus not on the presence or absence of laws and institutions, but rather on their scope and efficacy. This means broadening the range of issues and activities looked at in international comparisons of open government. It also means asking a different set of questions from the data. One approach, as put forward by the peer reviewers who informed this paper, is to start asking questions about how information flows to and from government: what type of information is released (or not), what communication channels are used, who benefits from greater accessibility and transparency and who remains excluded. A good example of the value of this approach is the breakthrough in understanding transparency practices experienced by the Australian government when it moved from gathering statistics about the numbers of information requests made to public bodies (demand side) to asking questions about the type and quality of data given out, and the speed at which it was released (supply side). This type of broader, more qualitative analysis helped identify a high degree of variability in access to information performance between agencies, which helped identify departments in need of targeted support.

This paper puts forward a new set of indicators for measuring openness. These explicitly move beyond the existing 'static' measurements⁹ of open government mechanisms (which focus on the presence or absence of laws and policies) to focus instead on their *implementation* (by public sector bodies), *use* (by non-governmental actors such as businesses, media, civil society organisations and individuals) and *enforcement* (by oversight institutions).

A selection of the proposed indicators will be reviewed by the OECD for possible inclusion in future editions of its 'Government at a Glance' publication; a biennial report providing a snapshot picture of the performance of OECD member governments on a number of institutional elements and policy areas, including open government. Over time, the publication aims to make possible a longitudinal comparative study of the development of open government practices internationally.

2. Scope and limitations

The challenges of international comparative analyses of government performance are well rehearsed¹⁰ and are even greater when dealing with an emerging and dynamic field such as open government. The authors are fully aware of these constraints and consider this paper to be the starting point rather than the last word in the creation of a more comprehensive set of indicators for measuring open government. We see this paper as a small but important first step towards a better understanding, and ultimately realisation, of open government. Its main purpose is to contribute to the 'Government at a Glance' programme's framework for the comparative study of open government. However, it is envisaged that the indicators presented here will be of use also beyond this context, to form the beginning of an evolving framework for measuring government openness, which will be added to over time as practice develops and more robust evidence emerges.

Two important criteria for choosing the new indicators are that they must be comparable and reliable. Ensuring comparability is not without its challenges: the indicators must be sufficiently broad to be applicable to a range of political and bureaucratic systems, while at the same time having the depth to provide meaningful insights about each country's performance. Failing to take constitutional, institutional and cultural variations into account would almost inevitably lead to a set of indicators that were at best too broad to be meaningful or, at worst, unreliable, because they could be susceptible to skewed analysis and faulty conclusions.

For instance, an indicator measuring the numbers of requests for information under access to information laws in different countries would present a spectrum of behaviours; some countries would have experienced high levels of requests and others very few. The reasons behind the number of requests could be many and the single number provides no indication of whether the law is serving its purpose or not. For example, in some countries, personal information held by public bodies falls under the access to information law and so the number of requests is driven up by the large numbers of people requesting personal documents,¹¹ whereas in other countries this is not the case and there will be fewer requests. In another example, a country where the scope of the law is so narrow that there are few opportunities for citizens to use it is likely to experience fewer requests per capita than countries where the scope is wider and more practically useful. On a similar note, countries that proactively publish most government information are likely to experience a low number of requests compared with countries that only publish information on request. Hence, untangling what is driving the number of requests is not possible from a single number unless this data is supplemented with a range of background information such as:

- the scope of the law
- the cost (financial and other) of requesting information (high fees or the risk of government persecution may deter people from making requests)
- the extent to which information is published proactively¹²
- how long the access to information law has been in place (many countries experience higher levels of requests when the law is new).

Similar variations apply to other aspects of open government, as discussed in sections 3 and 4 of this paper. Hence, no single indicator can capture a country's performance in relation to open government; the only way of building a complete picture is to look at information from a range of sources and categories.¹³

Another criterion for the new indicators, in the context of the 'Government at a Glance' project, is feasibility: the data the indicators measure must be readily accessible or fairly easy to collect. The data for the publication is collected by the member states themselves and so it is important that the indicators do not impose an undue burden on governments. Ensuring that the datasets use the same

definitions, are collected at the same level of government (national/federal/local etc.) and within similar timescales will pose additional challenges.

Finally, four important limitations in the scope of this paper should be noted:

1. The OECD's definition of open government makes reference to the 'accessibility of services and information'. The accessibility of public services is a significant field of study, which overlaps with many other policy areas and is challenging to measure in a small number of high-level indicators. In order to maintain a tight focus on indicators that will provide accessible and comparative data on government openness, this paper excludes a discussion about the accessibility of services, with the exception of those services directly related to transparency and responsiveness.
2. The paper does not deal with privacy data protection, as this field is covered by another Directorate within the OECD.¹⁴
3. This paper does not deal with indicators relating to e-government, as the OECD is already collecting data on the scope and efficacy of e-government policies. These will be presented in the 'Government at a Glance' publication in a separate chapter.
4. The proposed indicators have a series of sub-indicators and follow-up questions beneath them. Further work will need to be done to develop a system for scoring and weighting these to ensure that policy makers, third sector organisations and citizens are able to draw meaningful conclusions from the data generated.

As a consequence of these constraints, the indicators proposed in this paper are, by necessity, high-level markers focused on central government policy and performance. They are not intended to produce an in-depth picture of each country's performance on open government, but rather to provide a snapshot comparative overview, which can be complemented with further studies or perception data derived from other research. The OECD explains this high-level approach in this extract from a 'Government at a Glance' technical paper:

The most frequent request to the OECD is for basic benchmarking data, with senior officials seeking insights into how the structures and processes in their country compare to those in other countries. Starting from specific, in-depth studies would detract from the ability of the 'Government at a Glance' to offer benchmarking in the short term. Thus the proposal is to start from the collection of a wide array of data, building up to more specific studies – rather than the reverse.¹⁵

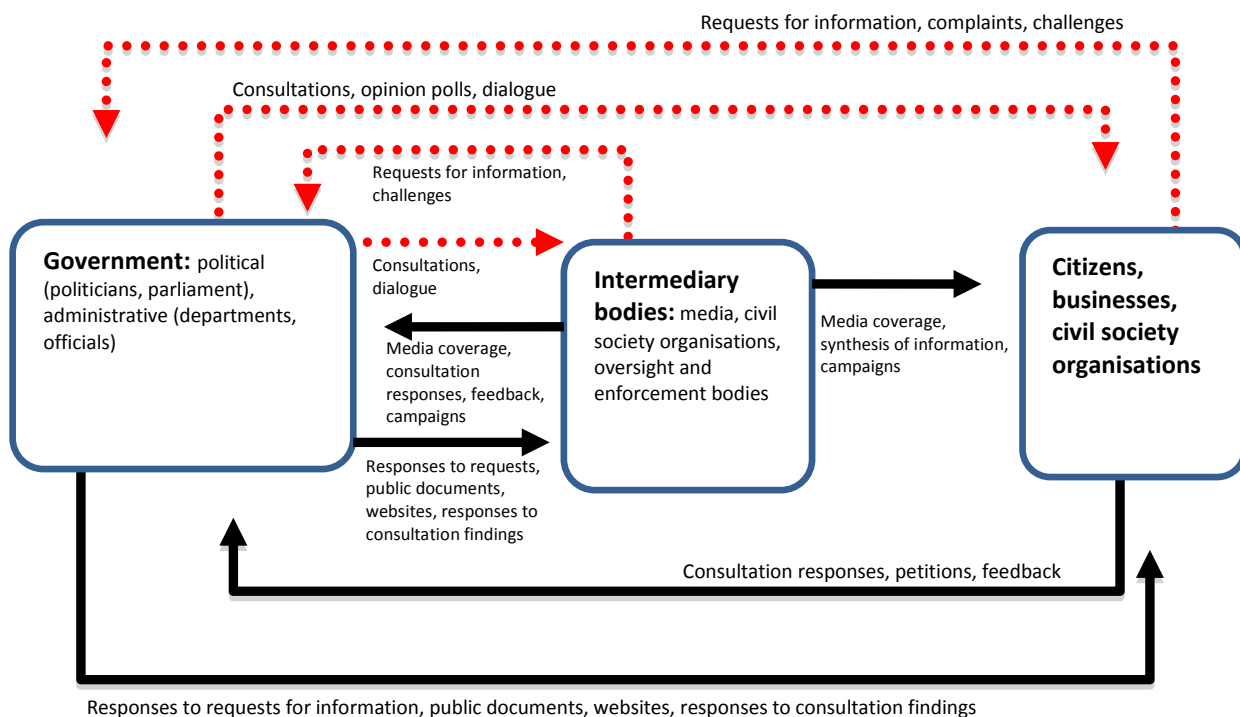
This is not to suggest that this is a superficial approach. Although these surveys will produce no more than a surface picture of what is happening in each country, they will still provide a more comprehensive overview than exists today. The high-level indicators will serve as a vital health check on the systems in place, a way of identifying strengths, weaknesses and areas in need of attention and of prompting and promoting debate within and among OECD members. Although a more in-depth investigation will generally be required before the full story can be told and an appropriate response be prescribed, these indicators can serve as an alert mechanism that allows governments, oversight bodies and civil society organisations to focus their efforts to promote more open, accountable and responsive government.

3. Open government – what it means and why it matters

The term open government has become one of the catchphrases of 21st-century democracy debates. It is the ideal to which modern political leaders claim to aspire and the benchmark that journalists, citizens and civil society organisations use to challenge corrupt leaders and secretive institutions. Like so many other popular policy concepts, the term open government means different things to different people. For some, it simply means facilitating the flow of information from governments to citizens; exchanging old, closed decision-making practices for a system where citizens have a right to know what their leaders are doing. Today, however, the term is generally understood to have a broader meaning. It has become an all-embracing label for a more transparent, accessible and responsive¹⁶ governance system, where information moves freely both to and from government, through a multitude of channels. In such a system, sharing information is the norm within the public sector and significant resources, training and administrative procedures are devoted to the effective dissemination of knowledge and services.¹⁷ Decision makers are responsive to the needs, ideas and priorities of citizens and external bodies, and provide a number of effective and accessible channels for these to be voiced.¹⁸ Meanwhile, citizens, businesses and civil society organisations have easy access to services and information, the skills and means to hold decision makers to account (without fear of repercussions) and regular opportunities to feed their views into policy making. This free flow of information from government to the public and third parties such as civil society organisations and the media, and critically back from the public and third parties to government, is at the heart of well-functioning open governments.

Figure 1 illustrates in a simplified manner how such an ideal information flow might look, with information requests (dashed arrows) leading to information provision (black arrows).

Figure 1: Information flows in an ideal open government system



Government openness is supported by a number of laws and institutions, the nature, composition and status of which vary from country to country. Table 2 outlines the key legislation and policy measures for open government, as drawn from recent¹⁹ and forthcoming²⁰ studies by the OECD.

Table 2: Key legislation and policy measures for open government

Legislation/policy/institution	Linked to indicators proposed in this paper?	Comment
Law on access to information and documents	Yes (indicators 1.1–1.6)	
Ombudsman/information commissioner	Yes (indicators 2.1–2.5)	
Supreme Audit Institution	Yes (indicators 3.1–3.3)	
Law on administrative procedure	Yes (indicator 6.1)	
Law on privacy and data protection	No	Data on privacy and data collection is collected by the OECD Directorate for Science, Technology and Industry and will not be covered in the 'Government at a Glance' publication.
E-government policy	No	Indicators on e-government will be included under the heading 'E-government' in the 'Government at a Glance' publication.
Whistle-blowing protection policy	No	Indicators on whistle-blowing protection will be included under the heading 'Integrity' in the 'Government at a Glance' publication.
Public interest disclosure policy	Yes (sub-indicator 1.6.2)	Indicators on public interest disclosure policy will also be included under the heading 'Integrity' in the 'Government at a Glance' publication.
Consultation policy	Yes (indicator 4.1)	Indicators on consultation policy will also be included in the chapter on regulatory management in the 'Government at a Glance' publication.
Laws on the right to observe meetings held by public agencies	Yes (indicator 5.1)	Laws and policies relating to citizens' right to observe meetings held by public agencies is not currently included in the OECD's list of key legislation and policy measures for open government. The authors recommend that such laws or policies should be included in the OECD's definition of an open government framework.

Within this framework, access to information (or simply 'the right to know') remains the most developed field. Legislation to secure citizens' access to information is widely considered an important first step towards more open and participatory forms of government and a precondition for citizens' ability to scrutinise, question and contribute to decision making.²¹ Access to information is now recognised as a human right under the Universal Declaration of Human Rights²² and all three regional human right systems: the African Charter on Human and People's Rights, the American Convention on Human Rights and the European Convention on Human Rights.²³

Alongside access to information laws, a growing number of governments have in place additional institutions and policies that contribute to greater transparency, accessibility and accountability. These include oversight bodies such as Supreme Audit Institutions, Ombudsman and Information Commissioner offices, whistleblower protection schemes, public interest disclosure acts, and rights to observe public meetings.

In parallel to these measures to improve transparency and accessibility, there has been a worldwide movement towards a more participatory and responsive style of governance, where governments seek their citizens' views on important issues before introducing new policies and laws. This trend is driven in part by pressures from citizens and civil society organisations demanding more influence over public decisions, and in part by politicians' desire to regain the trust of disengaged voters. The

movement is having a significant impact on how governments around the world conduct their business.²⁴ The past decade has seen governments around the world launch a string of democratic innovations to bring decision makers, citizens and other stakeholders closer together. Examples include participatory budgeting which give citizens the power to make decisions about public spending, consultation exercises to inform high-level policy, online discussion forums, petitions and citizens' panels in local government.

3.1 The value of open government

There are conflicting interpretations of what drives the openness agenda and what benefits are derived from governments becoming more transparent, accessible and responsive. Arguments in favour of openness often include a strong normative element; the literature contains many references to open government as intrinsic to modern democracy and a basic human right.²⁵ Another perspective sees open government in a purely instrumental light; as a means to an end. Precisely what that end is considered to be depends, of course, on the context and the person making the argument. The benefits attributed to open government are many and by no means universally shared. They include the claims that open government leads to more effective decision making and services, safeguards against corruption, enables public scrutiny, and promotes citizens' trust in government.²⁶

There is compelling evidence that properly implemented and enforced open government frameworks can support a number of benefits for governments and societies.²⁷ A World Bank study of the impacts of transparency on governance found that greater access to information could, among other things, improve risk management, economic performance and bureaucratic efficiency in governments.²⁸ Other studies have shown how increasing government openness can contribute to a higher rate of GDP growth,²⁹ reduce the incidence of corruption³⁰ and raise standards in public management and service delivery.³¹ Studies of the impacts of access to information legislation in New Zealand and Australia have found that the knowledge that documentation will eventually be made public can be sufficient to drive up standards of decision-making and record-keeping procedures among public officials.³² Another report, citing studies from Argentina and Mexico, describes how publicising procurement documentation can lead to savings in public spending. In one case, the publication of contract bids for medical items in a Buenos Aires hospital led to a saving of 50%.³³

Many of these impacts have direct benefits for citizens, media and civil society. Simply giving citizens the information and power to influence change around them can have a profound impact on how they perceive themselves and their role in the community, with knock-on effects for the rest of society. A more informed and empowered public can contribute to more cohesive community relations, more active and trusting citizens and more effective public services.³⁴ Accessibility and responsiveness measures can lead to better decisions and risk management, which in turn leads to more effective services and enhanced social welfare. Better access to information can also bring about a more active media, which in turn leads to better informed voters and politicians who are forced to be more accountable. A World Bank Institute report quotes studies by Besley and Burgess that found that 'regions in India where the media are more active are also regions which are the least likely to suffer from famines during droughts'. The reason is that an active media keeps voters informed of politicians' intentions and track record, thus enabling them to vote for those who provide the best deal for citizens.³⁵

4. Comparing openness – building a fuller picture

Of course, there is no guarantee that laws and policies introduced to make governments more open will deliver their purported outcomes, or indeed that they will lead to any of the wider benefits listed above. Different oversight and enforcement systems may provide vastly different outcomes for citizens and civil society organisations. Appeals procedures that are costly and complicated, that involve lengthy court proceedings or that rely on the cooperation of agencies that are not independent may cause a number of obstacles for those seeking to appeal against a denied request.³⁶ Oversight institutions that lack the mandate to search for missing records or the power to issue binding orders are similarly undermined in their ability to uphold citizens' rights to information.³⁷

Many access to information laws also fail to live up to their promise. Studies have found that requests for information by citizens, journalists and civil society organisations often continue to be denied or ignored after a law's implementation.³⁸ A comparative study of fourteen countries with access to information laws found that 38% of requests for information went unanswered and that identical requests submitted by different people received inconsistent responses 57% of the time.³⁹

Responsiveness mechanisms, such as policy consultations or deliberative public participation initiatives, are also susceptible to weaknesses. Despite the growing focus on improving the quality of these types of activities, many consultation exercises remain tokenistic and ineffectual. Many are carried out on a tight budget, by inexperienced staff, and without sufficient consideration of how the findings will feed into policy making or whether the methods used are the most appropriate for the objectives.⁴⁰ Yet others are let down by a failure to follow up on the activities and inform participants of what happened next, leaving those involved with a feeling that their time was wasted and their input not valued.⁴¹

The ability of open government mechanisms to deliver positive outcomes therefore depends on a number of factors, such as what motivated their introduction in the first place and the commitment and resources put into their implementation and oversight efforts. Governments choose to become more open for a number of reasons and many are reticent about their purposes.⁴² Some are motivated by a desire to rebuild citizens' trust in government, others by aspirations to improve bureaucratic procedures, and yet others by pressures from external bodies to improve governance.⁴³ A government that introduces access to information legislation solely to tick a box, perhaps to meet the criteria for loans or membership laid down by an international institution, may not send a strong message to its departments and officials that the law is important.⁴⁴

The effectiveness of an open government framework can also vary over time as different political parties and leaders ascribe different importance both to the wider open government agenda and to specific elements of the agenda. Other variables can be explained by differences in administrative procedures, the level of support offered to officials and the information available to citizens and civil society organisations about their rights.

As the commitment to open government has become more widespread worldwide, so a number of initiatives have emerged that track the progress of these developments. This research happens at a national as well as international level: many countries are now collecting data on how their open government initiatives are working in practice⁴⁵ and several international studies have sought to compare progress in different countries.

Since 2001, the OECD has carried out comparative analysis of the legal and institutional frameworks for open government in its member states. However, as the basic institutional ingredients of

openness are becoming more commonplace worldwide, these types of indicator are becoming less useful as measures of comparative openness. Other international studies looking at objectives relating to openness and good governance include the World Bank Institute's Governance Matters studies,⁴⁶ the World Governance Assessment framework,⁴⁷ International IDEA's Democracy Assessments,⁴⁸ Transparency International's Global Corruption Index⁴⁹ and the One World Trust's Global Accountability Report⁵⁰ examining international organisations.

These studies provide useful insights into the progress made in individual countries or organisations, as seen by citizens and other key stakeholders. Some also provide comparative overviews of openness and good governance internationally. However, these studies typically use expensive and time-consuming methodologies, which can be difficult to carry out regularly. Some, like the International IDEA framework, draw on common principles, but are explicitly adapted to cultural and national contexts. This makes international comparisons difficult. Moreover, some of these studies rely heavily on perception data, and so do not provide a quantitative picture of events and activities. Perception surveys have a significant value in providing information about levels of trust in government and citizens' or other stakeholders' views on government performance, both important indicators of how well governments are doing in terms of openness.⁵¹ As International IDEA argues in the introduction to its Democracy Assessment Framework, no group is better placed to comment on the state of democracy in a country than its citizens.⁵² Yet, in light of past research, which has shown that perception data can be a poor predictor of actual government performance,⁵³ there is a strong case for such studies to be complemented with information on the incidence of concrete measures of actual events and activities.

It is becoming clear, therefore, that there is a need to broaden the perspective of quantitative studies of open government, to look beyond static measures of legal and institutional frameworks and to start asking questions about their scope, efficacy and impact. There is a need to generate new indicators that provide a fuller picture of government performance on openness, while also being relatively easy to implement and replicate over time. This is the purpose of this paper. The proposed new indicators presented in section 4 will look beyond the infrastructure of open government (*de jure*) to also track what is actually happening in practice (*de facto*).

4.1 Openness in practice: measuring implementation, use and enforcement

The new indicators will look specifically at the *implementation*, *enforcement* and *use* of open government frameworks. To begin with, it is useful to clarify what these terms mean and how they are related.

4.1.1 Implementation of open government frameworks

Implementation of open government refers to the efforts and resources devoted by public sector bodies to the execution of a law or policy, either when it is first introduced or over time. The legal and institutional framework for open government is precisely that, a framework in which change can take place. Alone, a new law or policy has little value. Once in place, significant efforts are needed to ensure that officials are able to comply with it and its beneficiaries are aware of, and able to enjoy, their new rights.⁵⁴ Precisely what implementation entails in the context of open government will differ depending on the nature of the institutional and legal framework in the country in question, as well as a range of other factors including how long the framework has been in place and what motivated the introduction of the laws or policies in the first place.⁵⁵ As Neuman and Calland explain in *Making the Access to Information Law Work*, laws passed in response to an endogenous, inherent need or civil society demand are more likely to be followed by committed implementation and enforcement efforts than those passed to satisfy an exogenous demand, such as requirements for membership in or financial assistance from an international institution.⁵⁶

A cornerstone of implementation is the support offered to officials to help them understand and fulfil their duties in relation to openness.⁵⁷ Established working practices and institutional culture can cause significant obstacles in the establishment of open government laws and policies.⁵⁸ This is not surprising; measures to increase transparency, accessibility and responsiveness ask a lot of officials, in particular during periods of transition. Public servants accustomed to operating in a culture of secrecy, sometimes with long-established working practices that would not stand up to public scrutiny, are unlikely to find the shift to a more transparent system an easy one.⁵⁹ Equally challenging can be the upheaval of traditional decision-making structures in order to accommodate external perspectives through consultations and other forms of public and stakeholder participation. Not only do these laws and policies require officials to adopt new approaches to their work and position, sometimes at the expense of treasured powers and privileges, but they can also make significant new demands on these officials' time and resources. Often little effort is made to explain the advantages of access to information for helping improve civil servants' work. This can cause problems also for officials who are intent on complying with openness principles, but may be discouraged from doing so by department heads who would like to see their time and budgets spent differently. Hence the passing of a new law, even if endorsed by senior political leaders, may not be sufficient to ensure compliance, unless it is accompanied by significant efforts to win hearts and minds of officials at all levels. Investing in support and guidance sends a strong message to officials that government is taking the openness agenda seriously. Such support could involve training, guidance documents and networks to encourage officials to learn from others' experiences.

This support element is important not just when a new law is introduced. Ideally, training in the day-to-day implementation of transparency and accessibility should be an integrated element of civil servants' in-service training programmes, to ensure that these skills are not lost over time.

Another important element of implementation is the extent to which a government takes steps to promote its commitment to openness. Examples of promotional activities include information campaigns to make citizens, media, businesses and civil society organisations aware of their rights to information and to contribute to government decision making, or the inclusion of such issues in the national curriculum. Another form of promotion may be explicit political endorsements of openness agendas, as exemplified by President Obama's recent promulgation of the US Open Government Directive.⁶⁰

Yet another important aspect of implementation is the changes made to administrative procedure to make compliance with the new laws and policies easier. This may involve the establishment of a central body that coordinates efforts around a particular framework element, such as a body in charge of implementing the access to information law or a specific government department charged with responsibility for maintaining good consultation practice.⁶¹ It may also involve the introduction of minimum standards for record management, to ensure that requests for information are not obstructed by poor record keeping.⁶²

Table 3 sets out a number of components of implementation in relation to the open government framework described on page 13. The lists are not exhaustive but are intended to illustrate the range of measures that may be taken by governments to support the establishment and maintenance of an open government framework.

Table 3 Examples of implementation in relation to three elements of an open government framework

Framework element	Implementation elements
Law on Access to Information and Documents	<ul style="list-style-type: none"> • central coordinating body devoted to the implementation of the law • training and guidance provided to officials • publication of subsidiary legislation or regulations required to implement law • political endorsement of the law • proactive publication of documents • provisions for regular reporting on implementation and performance • funding to support additional burden of publication and responding to requests • incentives to encourage compliance with the law • sanctions against poor performers (departments or officials) • publication of clear guidance for members of the public • independent and confidential system for citizens to complain about unfulfilled requests
Ombudsman/Information Commissioner Institution	<ul style="list-style-type: none"> • guidance and training to establish clarity among officials about the institution’s functions and mandate • information campaigns to establish clarity among the public, media, businesses and civil society organisations about the institution’s functions and mandate
Supreme Audit Institution	<ul style="list-style-type: none"> • guidance and training to establish clarity among officials about the institution’s functions and mandate • independent and confidential mechanisms for citizens, media, businesses and civil society organisations to suggest agencies or projects that should be audited
Law on Administrative procedure	<ul style="list-style-type: none"> • training, guidance and support offered to officials to improve administrative procedure • funding to support burden of record management systems
Consultation policy	<ul style="list-style-type: none"> • central body responsible for the promotion of good practice in consultation and public participation • training of officials • dedicated consultation teams in policy departments • additional funding for consultation exercises • publication of responses to consultations, so respondents can see what arguments the authority has subsequently paid attention to, and can critique the responses of others • plain language initiatives • outreach services for specific target groups

4.1.2 Use of open government frameworks

The primary goal of the open government agenda is to make government more responsive to the needs and priorities of its citizens and to provide citizens, businesses and civil society organisations with better access to government information. *Use* in the context of open government thus refers to citizens, businesses, media and civil society organisations’ use of the infrastructures for accessibility, transparency and responsiveness supplied by governments. Examples of use may include requests made under an access to information law, complaints and appeals made to an Ombudsman Institution, suggestions of bodies to be audited by a Supreme Audit Institution, submissions to policy consultations, visits to government information centres, visits to government websites, documents downloaded from official websites, or contributions to online discussion forums.

At its most basic, levels of use are determined by two factors: demand and supply. Demand refers to the willingness of users to enjoy their rights; supply refers to the opportunities to do so that are offered to them. The success of any public policy or service depends on demand and supply being well balanced. Hence the responsibility for a well-functioning open government system does not rest entirely with government itself; civil society, media, businesses and individual citizens must also take responsibility for monitoring and making use of the system.⁶³ Of course, levels of demand and use are not only a question of will. The extent to which citizens, businesses and civil society organisations engage with their government is determined by a number of cultural and logistical factors. This includes their need to do so in the first place, as countries that routinely publish a lot of

public documents are likely to experience fewer requests for information, for example. Other factors affecting levels of use include people’s awareness of their rights, the cost of the interactions (time, money and effort), their trust in the system’s integrity and efficacy, and any risks involved, such as risk of direct or indirect government sanctions against individuals and organisations that ask uncomfortable questions.

As explained in the earlier sections, comparing levels of use is not possible unless these variables are taken into consideration. Measuring use in absolute numbers, for example, would not provide reliable or comparable data. To guard against this problem, the indicators relating to use proposed in this paper are either proxy indicators intended to explore how easy it is for citizens and organisations to exercise their rights to information and influence (e.g. by measuring the accessibility of reports and decisions or the cost of requesting information or making complaints) or they look at relative rather than absolute numbers (e.g. how many appeals or complaints that are made in relation to the total number of requests for information).

Table 4 illustrates different examples of use in relation to the open government framework described on page 13.

Table 4: Examples of use in relation to an open government framework

Framework element	Elements of use by the public, media, businesses and civil society organisations
Law on access to information and documents	<ul style="list-style-type: none"> • requests for information or documents • complaints and appeals made about access to information processes – use of websites publishing affirmatively or proactively published information
Ombudsman/Information Commissioner Institution	<ul style="list-style-type: none"> • complaints and appeals made about access to information issues
Supreme Audit Institution	<ul style="list-style-type: none"> • requests for and downloading of audit reports • suggestions of bodies or projects to be audited
Consultation policy	<ul style="list-style-type: none"> • submissions made to policy consultations • participation in public or stakeholder participation events

4.1.3 Oversight and enforcement of open government frameworks

Implementation and use are the necessary ingredients for the effective establishment of an open government framework, although they are not sufficient. The long-term sustainability of open government relies on a robust *oversight and enforcement* structure.⁶⁴ The primary function of oversight and enforcement is to ensure that public bodies fulfil their commitments in relation to accessibility, transparency and responsiveness and are held to account if they fail to do so. These functions are typically carried out by more than one institution. In many countries, primary responsibility for performance assessment is held by a Supreme Audit Institution, which audits government accounts, budgets and performance. The Supreme Audit Institution reports to the Executive and Legislature, often annually, and writes recommendations based on its findings.

Responsibility for responding to, and investigating, complaints of improper government activity tends to lie with an Ombudsman or Information Commissioner, who issues recommendations or orders to public agencies based on their findings.⁶⁵ In some countries citizens make complaints and appeals directly to the Courts or Judiciary.⁶⁶

The ability of oversight and enforcement institutions to carry out their functions depends on a number of factors, including their mandate, their status in relation to the Executive, their budget, who controls how their budget is allocated and how accessible their services and reports are to citizens, media, businesses and civil society organisations. When oversight and enforcement bodies lack the power to issue binding orders or the means of tracking whether their recommendations and orders are acted upon, their ability to fulfil their mandate is likely to be curtailed.⁶⁷ A study by the International Budget Partnership found that in 37 of 85 countries surveyed, the legislature did little or nothing to follow up the Supreme Audit Institution’s recommendations.⁶⁸ In 64 of the 85 countries neither the Supreme Audit Institution nor the Legislature reported to the public on actions

taken to address the Supreme Audit Institution’s recommendations. This lack of transparency, the report suggests, makes it easier for government to ignore audit recommendations.⁶⁹

In addition to the tasks of oversight and enforcement, an important additional function of these institutions is to communicate the government’s commitment to openness. As articulated by Neuman in a discussion about access to information:

If there is a widespread belief that the access to information law will not be enforced, [the] right to information becomes meaningless. Weak or ineffectual enforcement mechanisms can lead to arbitrary denials or encourage agency silence, whereby no explicit denial is made, but rather the government agencies ignore the request for information or pretend that the law does not exist.⁷⁰

A country’s approach to the oversight and enforcement of open government can provide insights into the level and nature of its government’s commitment to the openness agenda. The status and powers granted to oversight institutions, their relationship to other government institutions and the political elite, and the status and expertise of the individuals who work for them are some of the factors that determine the ability of these institutions to conduct their role. The absence of an independent oversight institution or the presence of significant restraints on its powers can, as the quote above makes clear, be a sign that the government’s commitment to openness is only nominal. In such cases external actors such as media and civil society organisations may step in to provide an oversight function by highlighting weaknesses in the system or challenging a government’s failure to fulfil its commitments. However, without the mandate to issue decisions or sanctions, these actors rely on their protests causing their government sufficient discomfort or embarrassment to result in it changing its ways.

Table 5 presents examples of enforcement activities in relation to the open government framework described on page 13.

Table 5: Examples of oversight and enforcement activities in relation to an open government framework

Framework element	Elements of oversight and enforcement:
Law on access to information and documents	<ul style="list-style-type: none"> • different appeals procedures available to external users (e.g. courts, Ombudsman institution, Information Commissioner) • internal incentives and sanctions linked to performance • internal performance targets linked to access to information duties
Ombudsman/Information Commissioner institution	<ul style="list-style-type: none"> • recommendations and/or binding decisions issued in response to appeals and complaints from the public and others • inspection and/or searching of government records in response to appeals against claims that documents do not exist • sanctions against departments and officials that fail to comply with their duties in relation to access to information
Supreme Audit Institution	<ul style="list-style-type: none"> • evaluations, assessments and audits of agencies and projects • recommendations and/or binding decisions issued in response to performance assessments and audits
Law on administrative procedure	<ul style="list-style-type: none"> • incentives and sanctions linked to performance in relation to administrative procedure
Consultation policy	<ul style="list-style-type: none"> • code of good practice for consultation and public participation • performance assessment targets in relation to consultation practice • sanctions for breaking codes and duties

4.2 Maintaining and enforcing government openness over time

Implementation, use and enforcement do not belong to distinct phases in the establishment of an open government framework. In practice they overlap and their relative importance changes over time. Often, the first few years of a new openness regime are devoted to setting up and maintaining the administrative systems and support efforts needed to get the process started. These efforts then tend to tail off, in the assumption (implicit or explicit) that the oversight and enforcement mechanisms established during the implementation phase will be responsible for the long-term functioning of the system. However, this approach overlooks the need to continuously update the knowledge and skills required by public officials to ensure the ongoing effectiveness of an open government framework. It is vital, therefore, that governments do not lose sight of implementation once a law or policy has been in place for some time.⁷¹ A key element of this is regular evaluation of whether the system is achieving its objectives as laid out by the legislature, and a mechanism for feeding the results of the evaluation into the implementation, use, oversight and enforcement parts of the process. In some countries, media and civil society actors play an important role in monitoring performance and holding governments to account, for example by protesting against failures to respond to requests for information or by suggesting that projects and agencies should be audited by the Supreme Audit Institution.⁷²

Maintaining and enforcing government openness over time: an example

Sweden

In the late 1990s, studies found that public officials in Sweden were lacking the knowledge and skills to fulfil their duties in relation to the 'Principle of Publicity', the Swedish law which states that all documents produced or received by public institutions should be freely available to citizens and external bodies. At the same time, there were warnings from the trade unions that public sector decision making was becoming more closed. In order to address these concerns, the Swedish government ran the 'Open Sweden' campaign between 2000 and 2002. The campaign sought to improve the implementation of the Principle across public institutions, promote a culture of openness in the public sector and raise awareness in society of people's right to information.

Regeringskansliet (2008) Öppna Sverige - för en öppen offentlig förvaltning.

5. Suggested indicators

Table 6 sets out a longlist of 17 indicators, with a series of sub-indicators and follow-up questions to provide additional contextual information. Further work will be required to develop a system for scoring and weighting these to ensure that audiences are able to compare different jurisdictions and national governance structures, and therefore to draw meaningful conclusions from the data generated.

This longlist is the product of extensive discussions and correspondence between Involve, the OECD and the peer reviewers (listed on page 7) who contributed to the drafting of this paper. These exchanges generated an initial list of over 60 potential indicators and sub-indicators, which were amalgamated into a series of top-level indicators each with a series of sub-indicators. These top level indicators were then narrowed down to the 17 presented here. The longlisted indicators were selected on the basis of four criteria:

1. *relevance* to the purpose of this paper – that the indicator contributes to building a deeper understanding of the scope and impact of the institutions, laws and policies intended to support open government
2. *comparability* – that the indicator is useable across different cultural and bureaucratic contexts, is clearly defined and unambiguous
3. *reliability* – that the indicator measures what it purports to measure
4. *feasibility* – that the datasets must be readily accessible or, if not already available, must be relatively easily pulled together by OECD member countries.

Recognising that the OECD will only include a small number of these indicators in the ‘Government at a Glance’ publication’s chapter on open government, we propose the following shortlist:

1. Indicators on laws on access to information and documents:

- 1.2 The law presumes proactive publication of information.**
- 1.4 The implementation of the law meets citizens’ demands for information.**
- 1.5 The law ensures equal access to information and documents for all citizens.**
- 1.6 Complaints/appeals mechanisms available meet the needs of citizens.**

2. Indicators on Ombudsman/Information Commissioner Institutions:

- 2.1 The Ombudsman/Information Commissioner is independent of the Executive.**
- 2.3 The Ombudsman’s/Information Commissioner’s findings are acted upon.**
- 2.4 The Ombudsman/Information Commissioner provides equal access for all citizens.**

3. Indicators on Supreme Audit Institutions:

- 3.1 The Supreme Audit Institution is independent of the Executive.**
- 3.2 The Supreme Audit Institution’s findings are acted upon.**

4. Indicators on consultation policy:

- 4.1 Public bodies are required to consult with citizens or other stakeholders in decision making.**

These headline indicators should be read in conjunction with their respective sub-indicators and follow-up questions, as set out in Table 6.

It should be noted that, as a result of the feasibility criteria, Table 6 contains a higher proportion of *de jure* than *de facto* sub-indicators, simply because the former are more readily accessible to governments. The authors believe that including *de facto* sub-indicators in the datasets will be highly important in improving understanding of how well open government mechanisms are performing their functions. We therefore recommend that the OECD prioritises the indicators that include *de facto* sub-indicators when it makes its final selection to be included in the ‘Government at a Glance’ publication.⁷³

Table 6: Longlisted indicators on open government

1. Indicators relating to law on access to information and documents		
Suggested indicators	Sub-indicators	Follow-on question for contextualisation
1.1 The scope of the law covers all organisations and institutions delivering services to the public.	1.1.1 Are all branches and institutions of government covered by the law?	1.1.1a If no: what branches and institutions are exempt from the law?
	1.1.2 Are all private and non-profit organisations delivering public services covered by the law?	1.1.2a If no: what private and non-profit organisations delivering public services are exempt from the law?
1.2 The law presumes proactive publication of information.	1.2.1 Are officials obliged to publish information and documents proactively?	1.2.1a If yes: within what timeframes?
		1.2.1b If yes: which of the following categories of information are published proactively?: <ul style="list-style-type: none"> • structural information on the structure, functions and activities of the organisations, including annual reports • budget documents • tenders and contracts • access to information procedural information • information describing the types of records systems and their contents and uses • information on internal law and how policies/decisions are made • all government reports • commonly requested documents (based on the recommended categories of information for proactive publication as set out in OECD, <i>Effective Open Government – Improving access to government</i>).
1.3 Central government provides resources to support implementation of the law.	1.3.1 Is support and training available to help public officials in handling access to information requests?	1.3.1a If yes: what officials are provided training and support?
		1.3.1b If yes: how many hours of training are required and within what timeframe?
	1.3.2 Is there a central body responsible for the implementation of the law?	1.3.2a If yes: does it have functions in relation to training and support given to officials?
		1.3.2b If yes: does it have functions in relation to coordinating requests made to multiple departments/bodies?

1.4 The implementation of the law meets citizens' demand for information.	1.4.1 How often are exemptions used (% of total number of requests for information)?	1.4.1a What are the five most commonly employed exemptions?
	1.4.2 How often are requests for information refused (% of total number of requests for information)?	n/a
1.5 The law ensures equal access to information and documents for all citizens.	1.5.1 Is there a fee for making requests?	1.5.1a If yes: what is the cost of making a request for information (% of average monthly income)?
		1.5.1b If yes: are exceptions available for those on low income?
		1.5.1c If yes: are exceptions available for requests made in the public interest?
	1.5.2 In how many of the following ways can requests be made? <ul style="list-style-type: none"> • in person • by phone/fax • online • by email • by mail. 	n/a
1.6 Complaints/appeals mechanisms available meet the needs of citizens.	1.6.1 How many appeals are made (% of total number of requests)?	1.6.1a What percentage of appeals are upheld?
	1.6.2 Are public interest tests used to override exemptions/refusals?	n/a
2. Indicators relating to Ombudsman/Information Commissioner institutions		
Suggested indicators	Sub-indicators	Follow-on question
2.1 The Ombudsman/Information Commissioner is independent of the Executive.	2.1.1 Does the Ombudsman/Information Commissioner submit its own budget requests to the legislature?	n/a
	2.1.2 Is the Ombudsman appointed and removed by an individual/body independent of the Executive?	2.1.2a Who appoints/removes the Ombudsman?
2.2 The mandate of the Ombudsman/Information Commissioner covers all records relating to the delivery of public services.	2.2.1 Does the Ombudsman/Information Commissioner have the power to inspect all government records?	n/a
	2.2.2 Does the Ombudsman/Information Commissioner have the power to search government offices for records?	n/a

2.3 The Ombudsman's/Information Commissioner's findings are acted upon.	2.3.1 Does the Ombudsman/Information Commissioner have the power to issue binding orders?	n/a
	2.3.2 What % of recommendations/orders made by the Ombudsman/Information Commissioner are implemented?	n/a
2.4 The Ombudsman/Information Commissioner provides equal access to its reports and services for all citizens.	2.4.1 Is there a fee for making appeals or complaints to the Ombudsman/Information Commissioner?	2.4.1a If yes: how much are the fees (% of average monthly income)?
	2.4.2 Is the Ombudsman/Information Commissioner obliged to make his or her findings and recommendations publicly available?	n/a
	2.4.3 Are actions taken or responses made by public bodies as a result of the Ombudsman's/Information Commissioner's recommendations made public?	n/a
2.5 Decisions and actions taken by the Ombudsman/Information Commissioner can be challenged.	2.5.1 Do individuals and organisations have the right to complain or appeal against the Ombudsman's/Information Commissioner's decisions and actions?	2.5.1a To what institution can complaints or appeals be made?

3. Indicators relating to Supreme Audit Institutions

Suggested indicators	Sub-indicators	Follow-on question
3.1 The Supreme Audit Institution is independent of the Executive.	3.1.1 Does the Supreme Audit Institution submit its own budget requests to the legislature?	n/a
	3.1.2 Is the Head of the Supreme Audit Institution appointed by an individual/body independent of the Executive?	3.1.2a Who appoints/removes the head of the Supreme Audit Institution?
	3.1.3 Does the Supreme Audit Institution have the legal right to undertake audits of its choice?	n/a
3.2 The Supreme Audit Institution's findings are acted upon.	3.2.1 Does the Supreme Audit Institution have the power to issue binding orders?	n/a
	3.2.2 What % of recommendations/orders issued by the Supreme Audit Institution are implemented?	n/a

3.3 The Supreme Audit Institution provides equal access to its reports and services for all citizens.	3.3.1 Does the Supreme Audit Institution have formal mechanisms to receive suggestions on areas to be audited?	n/a
	3.3.2 Is the Supreme Audit Institution obliged to make its findings and recommendations publicly available?	n/a

4. Indicators relating to consultation policies

Suggested indicator	Sub-indicators	Follow-on question
4.1 Public bodies are required to consult with citizens or other stakeholders in decision making.	4.1.1 Does the scope of the policy cover all organisations and institutions delivering services to the public?	4.1.1a If no: what organisations and institutions are exempt from the law?
	4.1.2 Are public bodies required to publish an official response at the end of a consultation exercise?	n/a

5. Indicators relating to laws on the right to observe meetings held by public agencies

Suggested indicator	Sub-indicators	Follow-on question
5.1 Citizens have the right to observe meetings held by public agencies.	5.1.1 Are all meetings held by public agencies covered by the law?	5.1.1a If no: what meetings by what public agencies are exempt from the law?
		5.1.1b If yes: what exemptions for particular categories of discussion or decision are in place?

6. Laws relating to administrative procedures

Suggested indicator	Sub-indicators	Follow-on question
6.1 There are minimum standards for record management.	6.1.1 Are all organisations delivering public services obliged to comply with the standards?	6.1.1a If no: what organisations are exempt?

- ¹ OECD (2005) *Effective Open Government: Improving public access to government information*. Paris: OECD Publishing; Mayo, E. and Steinberg, T. (2007) *The Power of Information: An independent review*. London: Cabinet Office.
- ² OECD (2005) *Modernising Government: The way forward*. Paris: OECD Publishing.
- ³ Ibid.; OECD (2005) *Effective Open Government: Improving public access to government information*; Neuman, L. (2009) *Enforcement Models: Content and Context*. Washington, DC: International Bank for Reconstruction and Development and World Bank; Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation*. Atlanta: Carter Centre.
- ⁴ Mendel, T. (2003) *Freedom of Information: A comparative legal survey*. New Delhi: UNESCO.
- ⁵ Banisar, D. (2006) *Freedom of Information Around the World 2006*. London: Privacy International.
- ⁶ OECD (2005) *Modernising Government: the way forward*.
- ⁷ Ibid.
- ⁸ Ibid.
- ⁹ Static measurements here refer to indicators that measure the presence or absence of laws, policies or institutions but do not provide information about their scope or impact.
- ¹⁰ See for example UNDP (2006) *Governance Indicators: A user's guide, 2nd ed.* New York: UNDP, vi–13.
- ¹¹ In Australia and Canada 80–90% of all requests are for access to personal files. Hazell, R. (2007) 'Freedom of Information in Australia, Canada and New Zealand', *Public Administration*, 67(2), 189–210.
- ¹² For a list of recommended categories of information for proactive publication, see OECD (2005) *Effective Open Government: Improving Public Access to Government Information*, 26.
- ¹³ OECD (2006) *How and Why Should Government Activity Be Measured in 'Government at a Glance'?*, OECD GOV Technical Paper 1. Paris: OECD, 29.
- ¹⁴ Data on privacy and data protection is gathered by the OECD Working Party on Information Security and Privacy (WPISP) in the Directorate for Science, Technology and Industry.
- ¹⁵ OECD (2006) *How and Why Should Government Activity Be Measured in 'Government at a Glance'?*, 12.
- ¹⁶ The OECD defines open government as 'the transparency of government actions, the accessibility of government services and information and the responsiveness of government to new ideas, demands and needs', see OECD (2006) *How and Why Should Government Activity Be Measured in 'Government at a Glance'?*
- ¹⁷ OECD (2005) *Effective Open Government: Improving public access to government information*. Paris: OECD Publishing.
- ¹⁸ Open Society Justice Initiative (2006) *Transparency & Silence – An overview*. New York: Open Society Justice Initiative; OECD (2006) *How and Why Should Government Activity Be Measured in 'Government at a Glance'?*
- ¹⁹ OECD (2005) *Modernising Government: The way forward*.
- ²⁰ As listed in the draft list of themes to be covered in the 'Government at a Glance' publication, provided by the OECD to Involve in January 2009.
- ²¹ OECD (2005) *Modernising Government: The way forward*.
- ²² www.un.org/en/documents/udhr
- ²³ Mendel, T. (2003) *Freedom of Information: A comparative legal survey*.
- ²⁴ Creasy, S. (2008) 'Introduction: Participation at the core', in Creasy, S. (ed) *Participation Nation: Reconnecting citizens to the public realm*. London: Involve; Fennel, E., Gavelin, K. and Wilson, R. (2008) *Better Together: Improving consultation with the third sector*. London: Cabinet Office, 21–2.
- ²⁵ See for example: Mendel, T. (2003) *Freedom of Information: A comparative legal survey*; Neuman, L. (2009) *Enforcement Models: Content and context*; Universal Declaration of Human Rights at www.un.org/en/documents/udhr
- ²⁶ Mendel, T. (2003) *Freedom of Information: A comparative legal survey*; Neuman, L. (2009) *Enforcement Models: Content and context*; OECD (2005) *Effective Open Government: Improving public access to government information*.
- ²⁷ OECD (2005) *Effective Open Government: Improving Public Access to Government Information*; Islam, R. (2003) *Do More Transparent Governments Govern Better?* Policy Research Working Paper. Washington, DC: World Bank Institute; Neuman, L. (2009) *Enforcement Models: Content and context*; Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation*.
- ²⁸ Islam, R. (2003) *Do More Transparent Governments Govern Better?*
- ²⁹ OECD (2005) *Modernising Government: The way forward*.
- ³⁰ Neuman, L. (2009) *Enforcement Models: Content and context*; Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation*; OECD (2005) *Modernising Government: The way forward*.
- ³¹ OECD (2005) *Modernising Government: The way forward*.
- ³² Cited in OECD (2005) *Effective Open Government: Improving public access to government information*.
- ³³ Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation*.
- ³⁴ See for example Communities and Local Government (2008) *Predictors of Community Cohesion – Multi-level modelling of the 2005 Citizenship Survey*. Wetherby: CLG; Creasy, S., Gavelin, K. and Potter, D. (2008) *Everybody Needs Good Neighbours? A study of the link between public participation and community cohesion*. London: Involve; Ipsos Mori (2007) *What Works in Community Cohesion?* London: Ipsos Mori; Ray, K. et al. (2008) *Public Officials and Community Involvement in Local Services*. York: Joseph Rowntree Foundation; Richardson, L. (2008) *DIY Community Action: Neighbourhood problems and community self-help*. Bristol: Policy Press; Skidmore, P. et al. (2007) *Community Participation: Who benefits?* York: Joseph Rowntree Foundation.
- ³⁵ Islam, R. (2003) *Do More Transparent Governments Govern Better?*; OECD (2005) *Modernising Government: The way forward*.
- ³⁶ Neuman, L. (2009) *Enforcement Models: Content and Context*; OECD (2005) *Modernising Government: The way forward*.
- ³⁷ International Budget Partnership (2009) *Open Budgets Transform Lives: The Open Budget Survey 2008*. Washington, DC: International Budget Partnership; Neuman, L. (2009) *Enforcement Models: Content and context*; OECD (2005) *Effective Open Government: Improving public access to government information*; OECD (2005) *Modernising Government: The way forward*.
- ³⁸ Bookman, Z. and Guerrero Amparan, J.-P. (2009) 'Two Steps Forward, One Step Back: Assessing the implementation of Mexico's Freedom of Information Act', *Mexican Law Review*, Vol 1, No 2, January–June; Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation*; *Transparency & Silence: A survey of access to information laws and practices in fourteen countries*.
- ³⁹ The countries were Argentina, Armenia, Bulgaria, Chile, France, Ghana, Kenya, Macedonia, Mexico, Nigeria, Peru, Romania, South Africa and Spain. See *Transparency & Silence: A survey of access to information laws and practices in fourteen countries*.

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- ⁴⁰ Gavelin, K., Wilson, R. and Doubleday, R. (2007) *Democratic Technologies?* London: Involve; Creasy, S., Gavelin, K. and Potter, D. (2008) *Everybody Needs Good Neighbours? A study of the link between public participation and community cohesion.*
- ⁴¹ Warburton, D., Wilson, R. and Rainbow, E. (2007) *Making a Difference: Evaluating public participation.* London: Department for Constitutional Affairs.
- ⁴² In the UK, the Campaign for Freedom of Information lobbied for a stated purpose to be included in the Freedom of Information Act to provide a shared reference point for officials and users. The campaign failed and no such purpose was included in the UK legislation but it has been elsewhere, for example in the New Zealand Official Information Act 1982. See: www.justice.govt.nz/pubs/other/pamphlets/2001/info_act.html
- ⁴³ OECD (2005) *Modernising Government: The way forward.*
- ⁴⁴ Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation.*
- ⁴⁵ For example Mexico and the UK.
- ⁴⁶ <http://info.worldbank.org/governance/wgi/index.asp>
- ⁴⁷ www.odi.org.uk/projects/00-07-world-governance-assessment/Index.html
- ⁴⁸ www.idea.int/resources
- ⁴⁹ www.transparency.org/policy_research/surveys_indices/cpi
- ⁵⁰ www.oneworldtrust.org/index.php?option=com_content&view=article&id=73&Itemid=60
- ⁵¹ Ivanyina, M. and Shah, A. (2009) 'Citizen-centric Governance Indicators: Measuring and monitoring governance by listening to the people and not the interest groups', *Economics*, 2009-27, 2 June.
- ⁵² International IDEA (2008) *Assessing the Quality of Democracy: An overview of the International IDEA Framework.* Stockholm: International IDEA.
- ⁵³ See for example a UK study from 2004, which found a 'perception gap' over public services – a divergence between the personal experience people report (often positive) and their views of the trend in the quality of services generally (disproportionally negative). Duffy, B. and Cole, H. (2005) 'Before and After', *Prospect Magazine*, April, www.ipsos-mori.com/researchpublications/researcharchive/poll.aspx?oltemId=750; see also Taylor, M. (2008) 'Why Life is Good', *New Statesman*, January, www.newstatesman.com/philosophy/2008/01/social-society-world-public.
- ⁵⁴ Mendel, T. (2003) *Freedom of Information: A comparative legal survey*; OECD (2005) *Effective Open Government: Improving public access to government information.*
- ⁵⁵ Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation.*
- ⁵⁶ Ibid.
- ⁵⁷ Mendel, T. (2003) *Freedom of Information: A comparative legal survey*; OECD (2005) *Effective Open Government: Improving public access to government information*; Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation.*
- ⁵⁸ Ibid.
- ⁵⁹ Mendel, T. (2003) *Freedom of Information: A comparative legal survey.*
- ⁶⁰ Obama, B. (2009) 'Transparency and Open Government'.
- ⁶¹ OECD (2005) *Effective Open Government: Improving public access to government information.*
- ⁶² Mendel, T. (2003) *Freedom of Information: A comparative legal survey*; OECD (2005) *Effective Open Government: Improving public access to government information*; Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation.*
- ⁶³ Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation.*
- ⁶⁴ Neuman, L. (2009) *Enforcement Models: Content and context.*
- ⁶⁵ Not all Ombudsman/Information Commissioner institutions have the power to issue binding orders. Some that do include the Information Commissioners in Mexico, Scotland and Slovenia.
- ⁶⁶ E.g. South Africa, Bulgaria and the USA at Federal Level. For a discussion about the benefits and disadvantages of each model, see Neuman, L. (2009) *Enforcement Models: Content and context*; OECD (2005) *Effective Open Government: Improving public access to government information.*
- ⁶⁷ International Budget Partnership (2009) *Open Budgets Transform Lives: The Open Budget Survey 2008*, 4, 5, 27; International Organisation of Supreme Audit Institutions (INTOSupreme Audit Institution) (1977) *Lima Declaration of Guidelines on Auditing Precept.* Lima: INTOSupreme Audit Institution; Neuman, L. (2009) *Enforcement Models: Content and context.*
- ⁶⁸ International Budget Partnership (2009) *Open Budgets Transform Lives: The Open Budget Survey 2008*, 32.
- ⁶⁹ Ibid., 33.
- ⁷⁰ Neuman, L. (2009) *Enforcement Models: Content and context.*
- ⁷¹ Islam, R. (2003) *Do More Transparent Governments Govern Better?*; Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation*; Regeringskansliet (2008) *Öppna Sverige – För en öppen offentlig förvaltning.* Stockholm: Regeringskansliet (Government Offices of Sweden).
- ⁷² International Budget Partnership (2009) *Open Budgets Transform Lives: The Open Budget Survey 2008*; Neuman, L. and Calland, R. (200?) *Making the Access to Information Law Work: The challenges of implementation*; *Transparency & Silence: A survey of access to information laws and practices in fourteen countries.*
- ⁷³ Those are indicators 1.4, 1.6, 2.3 and 3.2.

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Appendix 1: Other international studies of open government

Democracy Assessment Framework	
Producer	International IDEA
Purpose and approach	To provide informative assessments of modern democracies and raise awareness to help reform.
Approach	The Democracy Assessment Framework is founded on the principle that ‘Only citizens and others who live in the country being assessed should carry out a democracy assessment, since only they can know from experience how their country’s history and culture shape its approach to democratic principles.’ The framework is based first on six ‘mediating values’: participation, authorisation, representation, accountability, transparency, responsiveness and solidarity, which are cross matched with ‘requirements’ and ‘institutional means of realisation’. Data comes from a questionnaire which covers: ‘citizenship, law and rights’, ‘representative and accountable government’, ‘civil society and popular participation’ and ‘democracy beyond the state’.
Coverage:	Democracy assessments have been conducted in Bangladesh, El Salvador, Italy, Kenya, Malawi, Nepal, New Zealand, Peru and South Korea.
Frequency:	Ongoing/ad hoc.
More info:	www.idea.int/resources
Global Accountability Report	
Producer	One World Trust
Purpose	To assess the capabilities of global organisations to be made accountable for their practices to citizens.
Approach	The report assesses good practice in the policies and management systems of global organisation in four main areas: ‘transparency’ – an organisation’s willingness to support public disclosure of information and how it responds to information requests; ‘participation’ – an assessment of an organisation’s capabilities to support equal member control and how they engage external stakeholders in decision making; ‘evaluation’ – an assessment of how an organisation goes about supporting evaluation and learning; and ‘complaints and response handling’ – which assesses how an organisation provides channels for stakeholders to make complaints and responses. Indicators are also grouped into two categories: policies and systems. Organisations are scored through a process of reviews of whether data is made publicly available, internal documents and interviews with organisations in question, interviews with experts and stakeholders.
Coverage:	30 of the world’s most powerful global organisations from the intergovernmental (IGO), non-governmental (NGO) and corporate sectors. The report has assessed 90 organisations since 2006.
Frequency:	Annual
More info:	www.oneworldtrust.org/index.php?option=com_content&view=article&id=73&Itemid=60
Global Corruption Perceptions Index (CPI)	
Producer	Transparency International
Purpose	To measure and rank the perceived levels of corruption in countries around the world.
Approach	The CPI measures the overall extent of corruption, transparency, accountability and freedom/independence of the media. It is a composite index drawing on corruption-related data from expert and business surveys carried out by a variety of independent and reputable institutions. The CPI 2008 draws on 13 different polls and surveys from 11 independent institutions: African Development Bank, Asian

	Development Bank, Bertelsmann Economist Intelligence Unit, Freedom House Nations, Global Insight, International Institute for Management Development, Merchant International Group, Political and Economic Risk Consultancy, Transformation Index, World Bank and World Economic Forum.
Coverage:	The CPI 2008 ranks 180 countries around the world.
Frequency:	Annual
More info:	www.transparency.org/policy_research/surveys_indices/cpi
Global Integrity Index	
Producer	Global Integrity
Purpose	The Global Integrity Index exists to measure the level and effectiveness of anti-corruption mechanisms on a national scale per country.
Approach	The Global Integrity Index does not measure corruption itself but focuses on the mechanisms intended to prevent it: accountability, transparency and citizen oversight. It looks at what access citizens have to their government, the ability to monitor its behaviour, and how to improve and change governance. The data for the Global Integrity Index is compiled through Global Integrity's 'integrity indicators' from a researcher inside each country. An individual scorecard examines the existence of 'public integrity mechanisms', such as laws and institutions, the effectiveness of mechanisms and the access to which citizens have to them. For the 2008 report the integrity indicators were divided into seven categories (with 23 sub-categories): civil society, public information and media, elections, government accountability, administration and civil service, oversight and regulation, and anti-corruption and rule of law.
Coverage:	58 countries were assessed in the 2008 report. The highest concentration was in Europe (15) and Sub-Saharan Africa (12).
Frequency:	Annual
More info:	http://report.globalintegrity.org/globalIndex.cfm
National Integrity System Assessment Tool	
Producer	Transparency International
Purpose	To analyse the extent and causes of corruption in a given country and the effectiveness of national anti-corruption efforts.
Approach	Analysis is carried out using a consultative approach, involving the key anti-corruption agents in government, civil society, the business community and other relevant sectors with a view to building momentum, political will and civic pressure for relevant reform initiatives.
Coverage:	More than 70 country assessments have been carried out since 2001.
Frequency:	Ongoing/ad hoc
More info:	www.transparency.org/policy_research/nis
The Open Budget Survey	
Producer	The Open Budget Initiative
Purpose	To analyse and evaluate the extent to which governments give citizens access to budget information and opportunities to participate in the budget process.
Approach	The survey identifies and evaluates accountability in budgeting practices as well as providing comparative data on the public availability of budget information. The data comes from a questionnaire that contains 123 questions. The questionnaire contains both multiple-choice and open-ended questions on how budget documents are made available. The questions were split into three different sections, about: the availability of budgetary information, the annual budget proposal and relevant information, and the budget process. Each country was assigned a score based on

	the average responses to the questionnaire.
Coverage:	The survey covers 85 countries from around the globe reflecting low, middle and high national incomes.
Frequency:	Periodically
More info:	www.openbudgetindex.org
Public Expenditure and Financial Accountability Performance Measurement Framework	
Producer	Public Expenditure and Financial Accountability (PEFA)
Purpose	To assess the performance of public financial management around the world.
Approach	The report is based on 28 indicators covering six topics: budget credibility, budget comprehensiveness and transparency, policy-based budgeting, predictability and control in budget execution, external scrutiny and audit and accounting, and recording and reporting. A report is made which assesses each country's performance based on the indicator areas. Contextual and government-reform information is also provided.
Coverage:	Available for 50+ countries with more in the process of being added.
Frequency:	Ongoing
More info:	www.pefa.org/assessment_reportmn.php
World Governance Assessment Framework	
Producer	Overseas Development Institute (ODI)
Purpose	A global, collaborative effort to improve the assessment and analysis of governance.
Approach	The framework is based on six arenas and six principles, which are combined to give 36 indicators. The arenas are: civil society, political society, government, bureaucracy, economic society and judiciary. The principles are: participation, fairness, decency, accountability, transparency and efficiency. The World Government Assessment Framework uses a standard, multiple-choice questionnaire to discover perceptions of governance at the national level. The questionnaire contains 41 questions covering rules throughout the governance realm. It seeks ratings on the present governance situation as well as five years previous.
Coverage:	The first phase of the World Government Assessment lasted from 2000 to 2002 in 16 countries and the second phase lasted from 2005 to 2007 in ten countries.
Frequency:	Starting in 1999, the first phase of assessment lasted from 2000 to 2002 and the second from 2005 to 2007. Details on the latest phase are forthcoming.
More info:	www.odi.org.uk/projects/00-07-world-governance-assessment/Index.html
Worldwide Governance Indicators Project (Governance Matters)	
Producer	World Bank Institute
Purpose	To report aggregate and individual governance indicators.
Approach	The studies measure six dimensions of governance: voice and accountability, political stability and absence of violence and terrorism, government effectiveness, regulatory quality, rule of law and control of corruption. There are 35 separate data sources constructed by 33 different organisations from around the world.
Coverage:	212 countries and territories most recently cataloguing the period from 1996 to 2008.
Frequency:	Annual
More info:	http://info.worldbank.org/governance/wgi/index.asp

Appendix 2: Approach

This document was produced by Involve for the OECD. The drafting of the paper was informed by the following activities:

- a review of the existing academic and policy literature on open government, with particular focus on existing indicators and sources of comparative data on open government
- correspondence with a group of 22 peer reviewers (listed on page 7) who were given the opportunity to read and respond to drafts of this paper via email and online
- five telephone interviews with members of the peer review group.

These activities, which took place between February-June 2009 generated an initial list of over 60 potential indicators and sub-indicators, which were amalgamated into a series of top-level indicators each with a series of sub-indicators. These top level indicators were then narrowed down to the 17 presented in section 5 of this paper. The longlisted indicators were selected on the basis of four criteria:

- *relevance* to the purpose of this paper – that the indicator contributes to building a deeper understanding of the scope and impact of the institutions, laws and policies intended to support open government
- *comparability* – that the indicator is useable across different cultural and bureaucratic contexts, is clearly defined and unambiguous
- *reliability* – that the indicator measures what it purports to measure
- *feasibility* – that the datasets must be readily accessible or, if not already available, must be relatively easily pulled together by OECD member countries.