

DRAFT
Open Government Standards/Principles

TRANSPARENCY

That information about the activities of public bodies is created and is available to the public, with limited exceptions, in a timely manner and in open data formats without limits on reuse. This includes the disclosure of information in response to requests from the public and proactively at the initiative of public bodies. In addition that key information about the private bodies is available either directly or via public bodies.

Right to Know: That governments recognise the fundamental right of the public to access information, with limited exceptions, and that they make information available in response to requests and proactively.

All information, all public bodies: That the right of access to information applies to all information held by national and supranational bodies, including all bodies performing public functions and operating with public funds (this includes the legislative and judicial branches and privatised companies performing public functions as well as private bodies holding information that relates to or is necessary for protection of human rights).

Access is the Rule – Secrecy is the Exception: Information can be withheld only if its disclosure would cause demonstrable harm to legitimate interests as permitted by international law and only after consideration of the public interest in disclosure. These protected interests must be clearly and specifically defined in national law and must be applied on a case-by-case basis. The same exceptions hold for information disclosed in response to access to information requests and that disclosed proactively, including under open data policies.

Free of charge and free for reuse: That information is made public without charge (the prevailing international standard is that information requests are free of charge and the only charges that may be levied are copying costs and costs associated with information delivery) and without limits on reuse, including no limits on reuse imposed by licences or other restrictions; the right to reuse public information is consistent with access to information being part of the fundamental right to freedom of expression.

Open Formats: Information stored electronically should be delivered to those who request it electronically and in an open format. Information published proactively should always be made available in open formats.

Compilation of information: That public bodies and private bodies falling under the scope of the right of access to information should compile information which is necessary for public participation and accountability. They should ensure that this information is compiled in a timely fashion, regularly updated, and that it is clear, comprehensive, and comprehensible.

Independent enforcement: That the right of access to information is overseen by an independent body which reviews compliance, may undertake ex officio investigations, receives and rules on complaints from the public, is empowered to order appropriate action to ensure compliance, imposing sanctions where appropriate.

PARTICIPATION

That members of the public can engage directly in the consideration of policy options and in government decision making, and contribute ideas and evidence that lead to policies, laws, and decisions which best serve the society and broad democratic interests. That governments actively seek to mobilize citizens to engage in public debate, and that mechanisms exist which permit the public to participate at their own initiative.

Openness: That there exist opportunities to participate in decision making which are widely promoted, including via the internet, mailing lists, public announcements and the media, encouraging everyone and particularly key stakeholders to engage.

Timeliness: That participative processes are structured so as to ensure sufficient time to allow interested stakeholders to learn about the consultation, to review the materials, and to prepare quality and considered input.

Clear and comprehensive information: That the background materials available to public officials involved in a decision-making process is made available; that key data and analysis should be presented in a form which is accessible and comprehensible to the public.

Active collaboration: That public bodies are proactive in their interactions with the public, establishing multiple channels to gather information (for example, online consultations, public hearings, focus groups), hence ensuring that all relevant stakeholders has the opportunity to engage, and that the debate around an issue can evolve and mature over time.

Clear engagement procedures: That the rules on how to engage in the consultation are made clear, along with the timeframes and how comments should be submitted to the public authority as well as the locations and dates of any public hearings and how to attend.

Empowerment: That participatory processes aim at placing final decisions in the hands of the public. Any comments received must be carefully reviewed and the perspectives incorporated into the documentation on the final decision. A detailed justification must be provided as to why and how the public's opinions have been taken into account.

Transparency and Accountability: Reports on the feedback received, on who participated with written submissions or in public hearings, along with the main comments submitted, and the written reasoning explaining how the comments received were taken into consideration should all be made available in a place which is easy for any member of the public to find.

ACCOUNTABILITY

That there are rules, regulations and mechanisms in place that govern the behaviour of elected and public officials in their exercise of public power and the spending of public funds. These norms should include requirements that decisions are fully reasoned and justified with full information made available to the public. That there is protection for whistleblowers and mechanisms which react to disclosures of wrongdoing.

Clear standards of behaviour: That there exist norms and standards of behaviour in public life, which are enforced by institutions which guarantee that public bodies and elected officials give account for their actions, providing reasoned and evidence-based justifications for policy and program decisions, they public officials and entities assume responsibility for the consequences of their decisions, and that sufficient information is provided to ensure ongoing public scrutiny of the actions of public bodies.

Independent enforcement bodies: That there exist independent bodies which oversee the exercise of public power; these can range from Ombudsman institutions to supervision of public services and public spending (audit offices) to oversight by the legislative and judicial branches.

Lobby controls: That lobbying is subject to regulatory controls accompanied by sufficient transparency to ensure that the public has oversight of the influence of private or group interests in public decision making.

Limiting conflicts of interest: That potential conflicts of interest in decision making are avoided through a clear regulatory and practice framework which ensures that public officials are not engaged in decisions where their judgment might be affected by their private interests. The mechanisms to ensure this should include collecting and making public the interest and asset declarations of public officials. A global minimum standard for the level of detail to be contained in these declarations should be developed.

Reducing Corruption opportunities: That corruption opportunities are significantly reduced through a comprehensive regulatory and oversight framework as recommended by the United Nations Convention against Corruption and regional and issue-specific anti-corruption conventions. Specifically in the OGP context that information about the functioning of these mechanisms is fully transparent.

Whistleblower protection: That there is protection for whistleblowers who make public information which reveals corruption, wrongdoing, mismanagement or waste within government, and that there are mechanisms by which these revelations will be acted upon.