



Recommendation of the Council on Open Government



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Date(s)

Adopted on 14/12/2017

Background Information

The Recommendation on Open Government was adopted by the OECD Council on 14 December 2017 on the proposal of the Public Governance Committee. The Recommendation aims to help Adherents to design and implement successful open government strategies and initiatives by identifying a clear, actionable, evidence-based, and internationally recognised understanding of what they entail and, more specifically, what the characteristics of their governance should be in order to maximise their impact.

Open government as a catalyst for good governance

Countries are increasingly acknowledging the role of open government as a catalyst for good governance, democracy, trust, and inclusive growth. Open government principles (i.e. transparency, integrity, accountability and stakeholder participation) are progressively changing the relationship between public officials and citizens all over the world, making it more dynamic, mutually beneficial and based on reciprocal trust.

The OECD defines open government as “a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth” (see the report [Open Government: The Global Context and the Way Forward](#)). Countries have also begun to mainstream open government principles beyond the executive branch. They are moving towards a more holistic approach aiming to foster a new culture of governance in the legislature, the judiciary and independent institutions, as well as at sub-national levels of government, thereby moving towards what the OECD has defined as an “open state”.

Rationale for developing the Recommendation

Reviewing existing initiatives at the national and international levels reveals a diversity of definitions, objectives and implementation methodologies that characterise open government strategies and initiatives. This has raised the need for the identification of a clear, actionable, evidence-based, and internationally recognised understanding of what open government strategies and initiatives entail. More specifically, it has shown the need to identify the necessary characteristics of their governance in order to maximise their impact.

Accordingly, during its meeting held in April 2017, the Public Governance Committee agreed to the development of an OECD Recommendation on Open Government [[GOV/PGC\(2017\)5](#)] with the goal to:

- Ensure that open government principles are rooted in the public management culture of OECD Members and Partners. Now more than ever, open government strategies and initiatives are needed to regain citizens’ trust in governments and allow policy makers to engage with the public to better understand and meet their needs, and increase their satisfaction with public services. A globally recognised standard on open government would help ensure that the principles of transparency, integrity, accountability, and stakeholder participation comprise the fundamental building blocks of all public sector policies and practices;
- Identify an enabling environment that is conducive to an efficient, effective and integrated governance of open government;
- Promote the alignment of open government strategies and initiatives with, and their contribution to, all relevant national and sectoral socio-economic policy objectives, at all levels of the administration;
- Foster monitoring and evaluation practices and data collection, to build comparable indicators on processes, outputs, outcomes and impact to better inform policy-making;

- Establish an internationally recognised narrative on open government, which, while not pre-empting country-specific approaches, can facilitate the sharing of good practices and lessons learned at the international level.

An evidenced-based and inclusive development process

The Recommendation builds on more than 15 years of evidence-based analysis of Open Government strategies and initiatives. This includes the report [Open Government: The global context and the way forward](#), which is based on the responses of more than 50 countries to the 2015 OECD Survey on Open Government Co-ordination and Citizen Participation in the Policy Cycle, as well as on the findings of OECD Open Government Reviews. It also builds on the discussions held within regional Networks on Open and Innovative Government, which provide regular fora for exchange and peer dialogue, and are currently held for the Middle East and North Africa (MENA), South East Asia and Latin America.

The draft text of the Recommendation underwent multiple rounds of consultation in 2016-2017, including a two-month online public consultation, and has benefited from the input and guidance of an informal experts group on Open Government chaired by Finland and comprising OECD Members and Partners from Europe, the Americas, and the MENA region.

Scope of the Recommendation

The Recommendation provides Adherents with a comprehensive overview of the main tenets of the governance of open government strategies and initiatives to improve their implementation and impact on citizens' lives. Given that open government is critical to policy outcomes in diverse domains, the Recommendation also helps Adherents improve efforts related to, for example, public sector integrity and anti-corruption, public sector modernisation, civic freedom, digital government, procurement, public sector innovation, public financial management and human resource management. The Recommendation also promotes the realisation of the Sustainable Development Goals (SDGs) and specifically SDG 16. As such, its implementation would help Adherents strengthen public governance, democratic practices and inclusive growth, as well as increase citizens' trust in government.

The Recommendation features ten provisions corresponding to the following areas: provisions 1, 2, 3, 7, and 8 focus on the enabling environment, including the policy and legal framework; provisions 4, 5, 6 and 9 focus on the implementation framework, while provision 10 focuses on the way ahead.

It also includes a provision instructing the Public Governance Committee to monitor its implementation and to report thereon to the OECD Council no later than three years following its adoption, and regularly thereafter. To this effect, the OECD is developing a set of indicators that will rely upon information and data collected through the OECD Open Government Surveys, as well as from [Government at a Glance](#) which aggregates findings from all OECD areas of work that are relevant for open government, including from the Open, Useful, Reusable Government Data (OUR Data Index) on open data and the Observatory of Public Sector Innovation (OPSI). Furthermore, to support the implementation of the Recommendation a toolkit will be developed to provide detailed guidance and innovative good practices related to the different substantive provisions contained therein.

The Recommendation is open to non-OECD Member adherence.

Unofficial translation(s): [Spanish](#).

For more information on OECD work on open government, please consult: <http://www.oecd.org/gov/open-government.htm>.

Contact information: opengov@oecd.org.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information [C(2008)36], the Recommendation of the Council on Principles for Public Governance of Public-Private Partnerships [C(2012)86], the Recommendation of the Council on Regulatory Policy and Governance [C(2012)37], the Recommendation of the Council on Digital Government Strategies [C(2014)88], the Recommendation of the Council on Budgetary Governance [C(2015)1], the Recommendation of the Council on Gender Equality in Public Life [C(2015)164], the Recommendation of the Council on Public Procurement [C(2015)2], the Recommendation of the Council on Water [C(2016)174/FINAL], and the Recommendation of the Council on Public Integrity [C(2017)5];

RECOGNISING that open government is critical to building citizen trust and is a key contributor to achieving different policy outcomes in diverse domains including: public sector integrity and anti-corruption, public sector modernisation, civic freedom, digital government, public procurement, public sector innovation, public financial management and human resource management, as well as all major socio-economic targets within the framework of the 2030 Global Agenda for Sustainable Development Goals;

RECOGNISING that stakeholder participation increases government accountability, broadens citizens' empowerment and influence on decisions, builds civic capacity, improves the evidence base for policy-making, reduces implementation costs, and taps wider networks for innovation in policy-making and service delivery;

RECOGNISING the need for establishing a clear, actionable, evidence-based, internationally recognised and comparable framework for open government, as well as its related process, output, outcome and impact indicators taking into account the diverse institutional and legal settings of the Members and non-Members having adhered to the Recommendation (hereafter the "Adherents");

CONSIDERING that open government strategies and initiatives are a shared responsibility of all branches and levels of government, according to their existing legal and institutional frameworks, and that therefore this Recommendation is relevant to all of them;

On the proposal of the Public Governance Committee

I. **AGREES** that, for the purpose of the present Recommendation, the following definitions are used:

- **Open Government:** a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth;
- **Open State:** when the executive, legislature, judiciary, independent public institutions, and all levels of government - recognising their respective roles, prerogatives, and overall independence according to their existing legal and institutional frameworks - collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability, and stakeholder participation, in support of democracy and inclusive growth;
- **Open government strategy:** a document that defines the open government agenda of the central government and/or of any of its sub-national levels, as well as that of a single public institution or thematic area, and that includes key open government initiatives, together with short, medium and long-term goals and indicators;
- **Open government initiatives:** actions undertaken by the government, or by a single public institution, to achieve specific objectives in the area of open government, ranging from the drafting of laws to the implementation of specific activities such as online consultations;

- **The policy cycle:** includes 1) identifying policy priorities 2) drafting the actual policy document, 3) policy implementation; and 4) monitoring implementation and evaluation of the policy's impacts;
- **Stakeholders:** any interested and/or affected party, including: individuals, regardless of their age, gender, sexual orientation, religious and political affiliations; and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector;
- **Stakeholder participation:** all the ways in which stakeholders can be involved in the policy cycle and in service design and delivery, including:
 - **Information:** an initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. It covers both on-demand provision of information and “proactive” measures by the government to disseminate information.
 - **Consultation:** a more advanced level of participation that entails a two-way relationship in which stakeholders provide feedback to the government and vice-versa. It is based on the prior definition of the issue for which views are being sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process.
 - **Engagement:** when stakeholders are given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during all phases of the policy-cycle and in the service design and delivery.
- **Open government literacy:** the combination of awareness, knowledge, and skills that public officials and stakeholders require to engage successfully in open government strategies and initiatives;
- **Levels of government:** refers to central and sub-national levels of government.

II. RECOMMENDS that Adherents develop, adopt and implement open government strategies and initiatives that promote the principles of transparency, integrity, accountability and stakeholder participation in designing and delivering public policies and services, in an open and inclusive manner. To this end, Adherents should:

1. take measures, in all branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliaments, senior public managers and public officials, to ensure successful implementation and prevent or overcome obstacles related to resistance to change;
2. ensure the existence and implementation of the necessary open government legal and regulatory framework, including through the provision of supporting documents such as guidelines and manuals, while establishing adequate oversight mechanisms to ensure compliance;
3. ensure the successful operationalisation and take-up of open government strategies and initiatives by:
 - (i) Providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate human, financial, and technical resources, while promoting a supportive organisational culture;
 - (ii) Promoting open government literacy in the administration, at all levels of government, and among stakeholders.
4. coordinate, through the necessary institutional mechanisms, open government strategies and initiatives - horizontally and vertically - across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives;
5. develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives by:

- (i) Identifying institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data in an open format;
 - (ii) Developing comparable indicators to measure processes, outputs, outcomes, and impact in collaboration with stakeholders; and
 - (iii) Fostering a culture of monitoring, evaluation and learning among public officials by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant stakeholders.
6. actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well-known within and outside government, to favour their uptake, as well as to stimulate stakeholder buy-in;
7. proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse, and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders;
8. grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle and service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented, or marginalised groups in society, while avoiding undue influence and policy capture;
9. promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives;
10. while recognising the roles, prerogatives, and overall independence of all concerned parties and according to their existing legal and institutional frameworks, explore the potential of moving from the concept of open government toward that of open state.

III. INVITES the Secretary-General to disseminate this Recommendation.

IV. INVITES Adherents to disseminate this Recommendation at all levels of government.

V. INVITES non-Adherents to take due account of, and adhere to, this Recommendation.

VI. INSTRUCTS the Public Governance Committee to:

- a. develop process and impact indicators against which to measure the implementation of this Recommendation; and
- b. monitor the implementation of this Recommendation, including through the use of the developed indicators, open government reviews and comparative studies, and report thereon to the Council no later than three years following its adoption and regularly thereafter.

Adherents*

OECD Members

Australia
Austria
Belgium
Canada
Chile
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan
Korea
Latvia
Lithuania
Luxembourg
Mexico
Netherlands
New Zealand
Norway
Poland
Portugal
Slovak Republic
Slovenia
Spain
Sweden
Switzerland
Turkey
United Kingdom

Non-Members

Argentina
Morocco

* Additional information and statements are available in the Compendium of OECD Legal Instruments:
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The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 450 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.