



UK OPEN
GOVERNMENT
CIVIL SOCIETY NETWORK

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The Rt Hon Ben Gummer MP
Minister for the Cabinet Office and Paymaster General
70 Whitehall
London SW1A 2AS

10 August 2016

Dear Rt Hon Ben Gummer MP, Minister for the Cabinet Office

Commitment to open government

We write on the behalf of the UK Open Government Civil Society Network to congratulate you on your appointment as Minister for the Cabinet Office and set out how we are keen to work with you to continue to progress the open government agenda.¹

You take on this agenda at a critical time. At home, the referendum has revealed a deeply divided society, and demonstrated how distant and disconnected government is from everyday life across the country. Abroad, the vote leaves the UK needing to reinforce our standing as a positive force for open societies and human development on the international stage. We believe that open government has an integral role to play in reconnecting our society and reasserting our global leadership.

Your predecessors made important progress on a number of open government initiatives. As you will know, the UK was a founding member of the Open Government Partnership² (OGP) in September 2011, and has played an active role in support of its development, including as a member of its steering committee. Through this initiative, the UK has demonstrated important leadership on a number of open government reforms, including:

- Transparency of company beneficial ownership,
- Extractive industry payment and revenue transparency,
- Open data standards (e.g. Open Contracting Data Standard, International Aid Transparency Initiative, and the Open Data Charter).

The Open Government Network (OGN) - a coalition of active citizens and civil society organisations committed to making government work better for people through

¹ See Annex 1 for our understanding of open government

² See Annex 2 for more information on the Open Government Partnership

increased transparency, participation and accountability - was formed in the early days of the UK's membership of the OGP to collaborate with and challenge government to develop and implement ambitious open government reforms.³ We worked closely with your predecessors, Lord Maude and Rt Hon Matt Hancock MP, and their civil servants to jointly develop the UK's second (2013-15) and third (2016-18) Open Government Action Plans. The third action plan, published alongside the Prime Minister's Anti-Corruption Summit, includes a joint commitment to continue that collaboration to implement the UK's existing commitments and develop new reforms.

During 2015, in preparation for the third action plan, the OGN crowdsourced an Open Government Manifesto, setting out 28 proposals for the plan. The commitments launched in May made welcome progress on a good number of these. Under your direction, there is significant potential to build on this progress and extend into new areas of open government. We attach as an annex a list of the outstanding proposals, that we hope to work with you to prioritise, develop and implement.⁴

To that end, we would ask that you:

1. Meet with us, the Open Government Network steering group, in September to jointly review progress and opportunities
2. Co-host with us an event in October with the Open Government Network's wider membership
3. Attend and take an active role at the global Open Government Partnership Summit in Paris in December

We look forward to working with you, your ministerial colleagues and civil servants to tackle the challenges that face us as a country and progress open government reform in the UK and globally.

Yours sincerely,

Andy Williamson, Democratise
Anthony Zacharzewski, The Democratic Society
Claire Schouten, International Budget Partnership
Colm Burns, NI Open Government Network
Lucy McTernan, SCVO and Scotland Open Government Network
Rachel Davies, Transparency International UK
Simon Burall, Involve
Tim Davies, Practical Participation
Tim Hughes, UK Open Government Network coordinator

³ See Annex 3 for more information on the UK Open Government Network

⁴ See Annex 4

Annexes: Further information

1. Open Government
2. The Open Government Partnership
3. UK Open Government Network
4. UK Open Government Manifesto

1. Open government

Open government is the simple but powerful idea that governments and institutions work better for citizens when they are transparent, engaging and accountable. Open government has three parts:

1. **Transparency** – opening up of government data and information on areas such as public spending, government contracts, lobbying activity, the development and impact of policy, and public service performance.
2. **Participation** – support for a strong and independent civil society, the involvement of citizens and other stakeholders in decision making processes, and protection for whistleblowers and others who highlight waste, negligence or corruption in government.
3. **Accountability** – rules, laws and mechanisms that ensure government listens, learns, responds and changes when it needs to.

Good open government reforms can transform the way government and public services work, ensuring that they are properly responsive to citizens, while improving their efficiency and effectiveness, and preventing abuses of state power.

2. The Open Government Partnership (OGP)

<http://www.opengovpartnership.org/>



The **Open Government Partnership** is a platform for reformers inside and outside governments around the world to develop reforms that “promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance”. Since its foundation in September 2011, over 2,000 commitments have been made by 65 participating countries, covering a third of the world’s population.

Countries must meet a set of basic eligibility criteria and agree to an Open Government Declaration to join. Once a member, governments must develop a National Action Plan

with civil society in their country on a biennial basis. The government must regularly report on its progress and work with civil society to achieve the agreed reforms. Progress is evaluated at regular intervals by an independent researcher appointed by the OGP's Independent Reporting Mechanism. The OGP emphasises partnership between government and civil society at all levels. As such, its steering committee is formed of equal government (11) and civil society representatives (11), with co-chairs drawn from each.

The UK was a founding member of the OGP in 2011. Since, it has produced three National Action Plans (2011-13, 2013-15 & 2016-18). As well as its domestic role, the UK Government has been an OGP steering committee member since its foundation, and co-chaired the initiative in 2012/13.

3. UK Open Government Network

<http://www.opengovernment.org.uk/>



UK OPEN
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The UK Open Government Civil Society Network is a coalition of active citizens and civil society organisations committed to making government and other powerful institutions work better for people through enhanced transparency, participation and accountability. The OGN collaborates with and challenges governments in the UK to develop and

implement ambitious open government reforms through the UK's membership of the Open Government Partnership.

The membership of the network currently stands at over 700 members. The network is coordinated independently of government by Involve and has a nine member steering group:

- Andy Williamson, Democratiser
- Anthony Zacharzewski, The Democratic Society
- Claire Schouten, International Budget Partnership
- Colm Burns / Jonathan Bell, NI Open Government Network
- Lucy McTernan / Ruchir Shah, Scotland Open Government Network
- Martin Tisne, The Omidyar Network
- Rachel Davies, Transparency International UK
- Simon Burall, Involve
- Tim Davies, Practical Participation

The UK Open Government Network has sister networks in Northern Ireland, Scotland and Wales.

4. Open Government Manifesto



OPEN GOVERNMENT MANIFESTO

<http://www.opengovmanifesto.org.uk/>

The Open Government Network is committed to working with government to identify and develop robust and ambitious reforms that will make a positive difference to the lives of people in the UK and abroad. To that end, during 2015 we developed the Open Government Manifesto - a crowdsourced collection of draft commitments for the UK's 2016-18 Open Government Action Plan.

With the commitments launched in May, so far we have made substantial progress on ten of the proposals outlined in the Open Government Manifesto.⁵ The outstanding proposals, which we hope to prioritise, develop and implement with you, are as follows:

Proposal 4. Increase lobbying transparency

Reform the statutory register of lobbyists so that it provides meaningful information about the scale and nature of lobbying in the UK.

Current situation:

Despite recent reforms, there is still very little transparency about the scale and nature of lobbying activities in the UK and little disincentive to prevent corrupting behaviour by lobbyists.

We call for:

- HMG to expand the scope and requirements of the statutory register of lobbyists to provide greater transparency about who is trying to influence public policy and decisions within the current Parliament.
- The new register to include: in-house as well as consultant lobbyists, lobbyists who are trying to influence Government Ministers, Permanent Secretaries, Special Advisers, mid-level Civil Servants and UK Parliamentarians, details of their registered address and company recognition number (if applicable) and quarterly updates detailing their activities during that period.

Proposal 5. Improve consultation practice

Develop process and tools for more effective consultation practices.

Current situation:

The principle that those affected by decisions should be given the opportunity to shape those decisions is central to open government. Outside periodically voting for elected

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<http://www.opengovernment.org.uk/2016/05/12/the-open-government-manifesto-the-uk-open-government-action-plan-whats-in-whats-not-whats-new/>

representatives, citizens must be offered opportunities to provide their input into key policy decisions that affect them.

We call for:

- HMG and civil society to co-produce a manual and toolkit to improve consultation processes using both online and offline means. This should include guidance on how findings of consultation should be processed to Ministers for consideration.
- HMG and civil society to co-produce guidance for how policy-makers (defined as those with elected responsibility) should effect a response to consultation and the parameters of what that response should look like
- HMG to explore existing mandates for Ministerial Responsibility that could be strengthened to incorporate a requirement for response to consultation
- HMG to publish quarterly statistics on consultations undertaken by central government (including details of their opening dates, duration, number of responses and some details about demographics of respondents)
- HMG to provide the National Audit Office with the remit to monitor public sector consultation and ensure compliance
- HMG to set up an Ombudsman with oversight for public consultation

6. Open policy making pilot projects

Explore and practice open policy-making and share learning

Current situation:

Policy makers need to develop and trial a range of different approaches to open policy making and citizen engagement to understand what works best and when. As citizen engagement is a continuously developing field, with new evidence of benefits and limitations of different techniques in different settings emerging on an ongoing basis, continued exploration needs to take place to understand the tools and opportunities available for national and local governments to hear from a wider range of citizens.

We call for:

- HMG and civil society to co-design 10 different open policy making projects based across a number of government departments focussing on different stages of policy development. At least one of these should focus on children's participation.
- HMG to publish an evaluative report, including statistics on the number of individuals engaged, the mechanisms by which they were engaged and how feedback was provided to those who engaged.
- HMG to disseminate learning from the pilots, including through 4 events with devolved regions and local government.

7. Lead on transparency, public participation and accountability in the budget process

Increase transparency, public participation and accountability in the budget process at all levels domestically and internationally.

Current situation:

A lack of transparency and public participation in the budget process at all levels means the system is not as accountable as it could be and public funds in the UK and abroad are not used as effectively as they could be.

We call for:

- HMG to champion fiscal and budget transparency, participation and accountability in domestic and international fora
- A Citizens Jury to be established to design a process that empowers the public to spend a percentage (0.25-1%) of public funds
- A 'test and learn' approach to be taken to designing greater participation in the influencing stages of budget setting and spending.

8. Increase the transparency and accountability of tax incentives/reliefs

Ensure all UK tax incentives/reliefs are annually costed and subject to periodic review to ensure they serve their purpose and provide value for money.

Current situation:

Currently the UK undertakes a cost benefit analysis of tax incentives and reliefs prior to adoption, but does not systematically undertake continuous monitoring once passed into law. This is a problem as there is general agreement among economists that tax incentives have the potential to be harmful, and as such should be treated with caution and subject to close monitoring, yet this is not happening.

We call for:

- An independent body (e.g. NAO or OBR) to be mandated to develop a methodology for costing and assessing tax incentives, with first comprehensive report costing all UK tax reliefs produced by end of plan
- HMG to develop a schedule for rolling assessment of all UK tax reliefs, with first assessments to be conducted and submitted to parliament for debate by end of this National Action Plan cycle

11. Promote public participation in contracting

Increase the opportunities for citizens to be involved in planning, tender and oversight processes

Current situation:

There are few structured opportunities in the UK for citizens to participate in contracting: either in the planning for procurement, or in assessing whether goods and services delivered were of a high enough quality.

We call for:

- HMG to develop a pilot for citizen participation in the planning phase of contracting;
- HMG to develop interfaces to visualise contract performance, and invite citizen feedback on contract delivery;
- HMG to develop a distinct element of the same pilot that is focused on:
 - improving the participation of those living in poverty and marginalised groups
 - identifying the positive and negative outcomes of government expenditure on their quality of life and livelihood
 - identifying learning from this evidence in multi stakeholder groups and applying this to the design of future government expenditure in order to create an option for people living in poverty and marginalised groups

15. Ensure the open and timely publication of government research

Ensure the open and timely publication of government research, through a standardised public register of all commissioned studies.

Current situation:

The public cannot easily see whether research conducted or commissioned by government has been published.

We call for:

- HMG to work with researchers and civil society organisations to develop a standardised register for all departments and arms-length bodies to record all research studies they conduct or commission.
- All departments and arms-length bodies to transfer all data on current and future research studies to the new register by end of 2016.

17. Make the use of evidence in policy formulation and evaluation transparent

Introduce an evidence transparency standard that shows how government has considered evidence in policy formulation and evaluation.

Current situation:

Citizens are unable to access the evidence behind government policy formulation and evaluation. If government is to be held properly to account for its decisions and actions, citizens need to be able to understand the way government has used evidence in making its decision and be able to access it readily.

We call for:

- HMG to commit to an evidence transparency standard, developed in consultation with researchers and civil society organisations.
- All government departments and agencies to publish the data and evidence that underpin any new policies they announce in accordance with this standard, and to commit to regular and long term evaluation of policies.

18. Promote comprehensive freedom of information rules

The Freedom of Information Act should be protected and its scope widened to achieve comprehensive coverage of public sector bodies and the companies they part own.

Current situation:

Freedom of Information is the foundation stone of open government which allows citizens to ask questions, and receive information, on the issues that matter to them. However, Freedom of Information does not currently apply to all public bodies, and often important information is inaccessible from bodies providing public services on the behalf of government.

We call for:

- HMG to amend the Freedom of Information Act to ensure comprehensive FOI coverage of public authorities and bodies providing public services on their behalf
- HMG to create an Open Register of Public Bodies, with indication of whether they are currently subject to Freedom of Information or Environmental Information Regulations
- HMG to publish a roadmap for bringing those public bodies not currently subject to FOI/EIR under the legislation. Any exceptions should be limited to those where, following public consultation, powerful reasons for excluding the body have been established.
- When publishing impact assessments for bills involving the creation of new public bodies or the transfer of responsibilities from existing public bodies, a statement of the FOI/EIR status of the bodies concerned to be mandatory.

19. Ensure the integrity, usability and sustainability of government information

Ensure a holistic approach to the management of government information of all kinds so as to facilitate openness now and in the future.

Current situation:

Accountability requires access to information with integrity. Technical standards for information integrity exist, but must be applied consistently across government if openness initiatives are to be meaningful. In an increasingly digital environment, information integrity entails capturing and managing information from creation onwards, through interoperable systems and mechanisms. More needs to be done to develop an

information management environment within government that enables information integrity and openness.

We call for:

- HMG to enact a new Public Records Act that empowers The National Archives to lead on information management.
- HMG to develop a strategy for introducing into open data initiatives the technical knowledge developed in the records management, data science, and digital preservation communities, to strengthen information integrity in support of meaningful openness.
- HMG to ensure the infrastructure is in place to enable government information to be, and remain, accessible and usable.

21. Include local governance and engagement frameworks as part of devolution deals

Include local governance and engagement frameworks as part of devolution deals.

Current situation:

The speed of devolution, among other factors, means not all local/ combined authorities are sufficiently considering how to engage the public and overcome these challenges.

We call for:

- HMG to hold a roundtable for Councils, Combined Authorities and civil society stakeholders on the content of the Framework
- HMG to work with stakeholders to agree and publicise a finalised Framework
- HMG to actively encourage and support the completion of the Frameworks by Councils and Combined Authorities seeking devolution deals

22. Make all parliamentary data freely available

All parliamentary data should be freely available for the public to download and/or re-use.

Current situation:

Parliamentary data is inconsistently available or not available at all in an open format, which reduces opportunities for civic participation and public accountability.

We call for:

- UK Parliament to publish Hansard data in near-real time in machine readable format.
- The Parliamentary record to be published in near-real time in machine readable format for Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly

- All UK Parliaments and Assemblies to publish all plenary and committee video in an open and re-usable format.
- All UK Parliaments and Assemblies to publish a list of members, register of members' interests, draft legislation, amendments to draft legislation, voting records, committee reports, standing orders (and related) in an open data format in near-real time.

23. Increase citizen involvement in the legislative process

Open up parliaments/assemblies so more people can contribute.

Current situation:

Those who take part in the parliamentary process shape the future, but all too often this is a narrow subset of the population. Digital tools allows our legislatures to step out beyond the chamber or committee room in new ways, whether it's taking the parliament out to the people or allowing people to come to parliament through new digital channels. This is about strengthening democratic participation and rebuilding trust as much as it is about enhancing public accountability.

We call for:

- UK Parliament to introduce a method for public questions and engagement during (or prior to) Westminster Hall debates in the House of Commons.

24. Enshrine Parliamentary Openness

Formally adopt The Declaration of Parliamentary Openness, an international declaration which sets out 44 principles for advancing parliamentary openness. This will promote a culture of openness, make parliamentary information transparent, ease access to parliamentary information and enable electronic communication of parliamentary information.

Current situation:

A commitment to openness and transparency is a way to hold the parliament/assembly to account for its actions (or non-actions) and acts as a lever to educate and inform parliaments as to the value of openness.

We call for:

Members of all UK Parliaments and Assemblies to formally adopt the Declaration of Parliamentary Openness.

25. Open up the court system to public scrutiny

Open data of the daily case flow schedule and outcomes of their courts and tribunals

Current situation:

Courts are the basis of justice, and justice must be seen to be done. The current court process is opaque.

We call for:

- Data standards to be developed with the legal data community that define what data should be published, and how.
- Justice data systems to be updated with modern contracting and development processes.
- Courts to publish open data on case schedules in courts.
- Courts to publish open data on the outcomes of courts and tribunals around the UK, including publication under a permissive license of all written judgments.

26. Publish departmental data release registers

Provide a complete Data Release Register, listing all data flows of individual level in/between departments and other public bodies and why, readable by the public.

Current situation:

There is no transparency on how and where Departments share individual level data as part of sharing of bulk personal datasets.

We call for:

- All departments and bodies to routinely publish a regular Data Release Register.
- Departments to certify that their Data Release Register is complete for the time period it covers.

27. Introduce citizen centric data usage reports

Provide all citizens with a report on how their individual level data has been used by government services.

Current situation:

No citizen currently knows how Government has used their data.

We call for:

- All willing departments to make available digital data usage reports, delivered by GDS & ONS to ensure no operational uses.
- HMG to develop a roadmap for all uses of, and flows in/out of, population scale databases to be included in the report to citizens.

28. Increase the transparency of surveillance

Increase the transparency of surveillance activities to improve accountability and secure public trust.

Current situation:

At all levels of government, surveillance tools are used without giving the public adequate information about the surveillance in place, the benefits it brings, and the rights of citizens with respect to it.

We call for:

- HMG to revise and update guidance for the public sector on the use of CCTV, body cameras, facial recognition and other algorithmic analysis tools – with an emphasis on informing the public of when such tools are in use;
- HMG to commission an independent review and parallel deliberative democratic exercise to explore the right boundaries between secrecy and disclosure of details of state surveillance activities;
- HMG to develop a clear approach to transparency reports, allowing companies to disclose, within reasonable timeframes, aggregate details of all requests from state agencies for information, and requiring authorities requesting information to publish their own aggregate reports of the requests they have made