

THE NEED FOR STANDARDS – TOOLS FOR TRANSPARENCY AND OPEN DATA (THE CASE OF THE REPUBLIC OF MOLDOVA)

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Abstract

The Government must make transparency and open data a key priority, as it encourages responsibility, drives development in public services by informing choice, and stimulates innovation and growth. The move to greater openness and transparency is part of a transformation process. Due to nonexistence of transparency standards at the local level, the municipalities' websites differ in terms of structure and published data.

These conditions do not provide sufficient access to data of citizens' interest. Also, there is neither predictability in searching data, nor they can be compared or processed.

Our main objective is identifying and establishing standards for transparency and open data, that will be useful for citizens, as well as accepted and applied by all local government units.

Keywords: *transparency, information systems, open data, web standards*

1. Introduction

What is an open government? Broadly speaking, an open government is a government that allows and encourages the direct participation of citizens to the information it holds and to the decisions taken by administration. The changes in the lifestyle, the continuous modernization of the Internet and new technologies bring back the subject of open governance in a new context, providing answers to some of its dilemmas.

The United States of America is considered to be one of the leading promoters of the open governance. The objectives stated by U.S. include democracy consolidation and increase in the efficiency of the government act, and the three fundamental principles of an open government are as follows [8]:

- transparency of governance, i.e. unlimited access of the citizens to all the information held by public authorities;
- active participation of the civil society in the decision-making process, in this regard it is important the responsibility of the authorities to act promptly;

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- cooperation between public institutions and citizens, with the aim of implementing measures, including partnerships, and supporting groups of citizens on local level.

The interest for open government is highlighted also by the establishment of an international initiative, named Open Government Partnership (OGP), based on the Open Government Declaration [5], whereby the signatories declare their commitment to respect the four guiding principles for an open government: increasing the availability of information about governmental activities for the citizens; stimulating and supporting civic participation; implementing the highest standards of professional ethics in public administration; increasing access to new technologies for openness and accountability in the governance.

With the development of new technologies, the information held by public administration has turned into large data sets, which has generated the need for new transparency standards - standards that require data to be published in an open format, being reusable. Recent studies have shown that high-value data sets can contribute to innovation and can be the foundation of successful economic initiatives. A few important studies are “Creating Value through Open Data” by Capgemini Consulting as part of the European Data Portal [10], “Open Data for Economic Growth” by The World Bank [11], and case studies on Open Data’s Impact Worldwide, by a team at the GovLab under the leadership of Andrew Young and Stefaan Verhulst [12].

Thus, citizens can track the management of public resources and the data could be re-used to create new opportunities. Open governmental data are those data provided by public authorities, easy and free to access, reusable and redistributed. Open data must offer the possibility of being processed by automatic means and being delivered in an open format. They must be provided under an open license that would accept the free use of the data, without being limited by intellectual property rights, copyright or sui-generis (original) rights with respect to databases, trademarks or commercial secrets.

Open data is an important method for stimulating innovation and economic development, often being associated with the transparency requirements of the activity of public authorities.

The concept of open data has been highlighted lately as a reaction to the need to reconcile the discourse on public interest information with modern society, in particular as a result of the continuous development of the Internet and communications, the progressive use of Big Data and connecting individuals through social networks. Following the above mentioned, it can be said that open data is the most modern framework and international standard for defining transparency, specific to a good governance.

2. About the Public Government Data Portal date.gov.md

On April 29, 2011, through the Government Ordinance No. 43, the Government of the Republic of Moldova [3] has launched the governmental public data portal www.date.gov.md "in order to ensure the transparency of the decision-making process and the participation of citizens in the act of governance as well as the access of citizens and the businesses to public government data." [4] The Electronic Governance Center (EGC) was appointed responsible for coordinating the development and maintenance of the portal.

The Government has required the ministries, central administrative authorities and other public authorities and institutions to identify three data sets of interest for citizens and businesses on a

monthly basis, to be published on the data.gov.md portal and to ensure the regular update of government data with public character according to the frequency of their collection. The Government's provision does not, however, expressly impose sanctions for non-compliance with the provisions in question.

By launching the data.gov.md portal, Moldova joined the global movement "Access to governmental public data", being the 16th country in the world to open a one-stop counter for open data held by government institutions. The EGC has aimed to bring together on a web platform the open public data sets that state institutions publish with or without regularity on their web pages.

On April 15, 2011, EGC has launched a first version of the open data portal date.gov.md, publishing 67 data sets from 5 public institutions [7].

In June 2011 EGC has developed the Open Data Publication Methodology, explaining in details, step by step, how to use the portal and how to fill in the website with new data sets, etc.

According to the EGC, every institution has assigned a person responsible for the open government data, who was trained to update the portal with new open data sets. As per Open Data Publication Methodology, the participation of the government institutions will be assessed based on the volume of data they make available through the date.gov.md portal, related to the total volume of eligible data (publication of which wouldn't compromise the personal character, confidentiality, security or other aspects). The document doesn't clearly state who and how, within state and public authorities, will decide on the total volume of the eligible open data to be published on the date.gov.md.

On December 14, 2011, EGC has launched a new version of the open data platform date.gov.md and then, in February 2014 the version 3.0 was launched, which is used so far. The published data sets are structured according to the institution that opened them. date.gov.md has one search engine based on the keyword and an advanced search engine, by institution, reference period, recommended data set and keyword. Besides, if the users didn't find the data set they were looking for on the portal, then they might suggest a data set. The visitors of the date.gov.md are further encouraged to participate to the portal improvement and the improvement of search engine in particular.

Currently, there are 49 ministries and central administrative authorities presented on the website and on 9 December 2017, 988 data sets were published on the portal.

On April 4, 2012, by Decision no. 195 [2], the Government has approved the Action Plan for an Open Government for 2012-2013 that includes in the Appendix nr.2 the list of governmental public data to be opened in 2012. The ministries and other central administrative authorities were obliged to undertake the required measures for the full execution and within the set deadlines of all the actions described in the plan. The control over the implementation of the action plan was entrusted to the State Chancellery, as well as to the central administrative authorities, with the support of the e-Transformation Coordinators or the officials designated for Open Government Data. In order to implement the Action Plan, the Government has recommended that the National Participation Council (NPC) set up a sectorial working group to monitor its implementation. In May 2012 the thematic group „Open Government / E-Governance” was created within the NPC.

In the list of governmental public data to be opened in 2012 [1] were included 29 sets of data held by ministries and other central administrative authorities. According to the EGC, the list was drawn

up following public discussions and consultations with civil society representatives and subsequently accepted by public ministries and institutions, as confirmed by representatives of civil society [6]. At the initiative of the ministries there were new data sets included in the list. In some cases vague phrases have been used to define sets of data to be opened (e.g. “data in the field of culture” or “data on the current state of transport field”), which gave the public authorities from the beginning enough space for maneuvers.

In April 2012, immediately after the adoption of the Decision no.195, a record number of data sets (130) were published on the portal, and in May - 64 sets. In the following months, on average 20 new data sets were published monthly, with the exception of November, when 70 new data sets were published.

On December 9, 2017, 49 state and public organizations published 988 datasets on the data.gov.md portal. The first five positions in the top of the most opened ministries and central administrative authorities on the date.gov.md portal belong to the Ministry of Health (125 sets of data), the National Bureau of Statistics (121 sets of data), the Ministry of Internal Affairs (106 sets of data), the Ministry of Economy and Infrastructure (63 sets of data), Ministry of Education (57 sets of data). Other institutions published between 47 and 2 sets of data (see the chart 1)

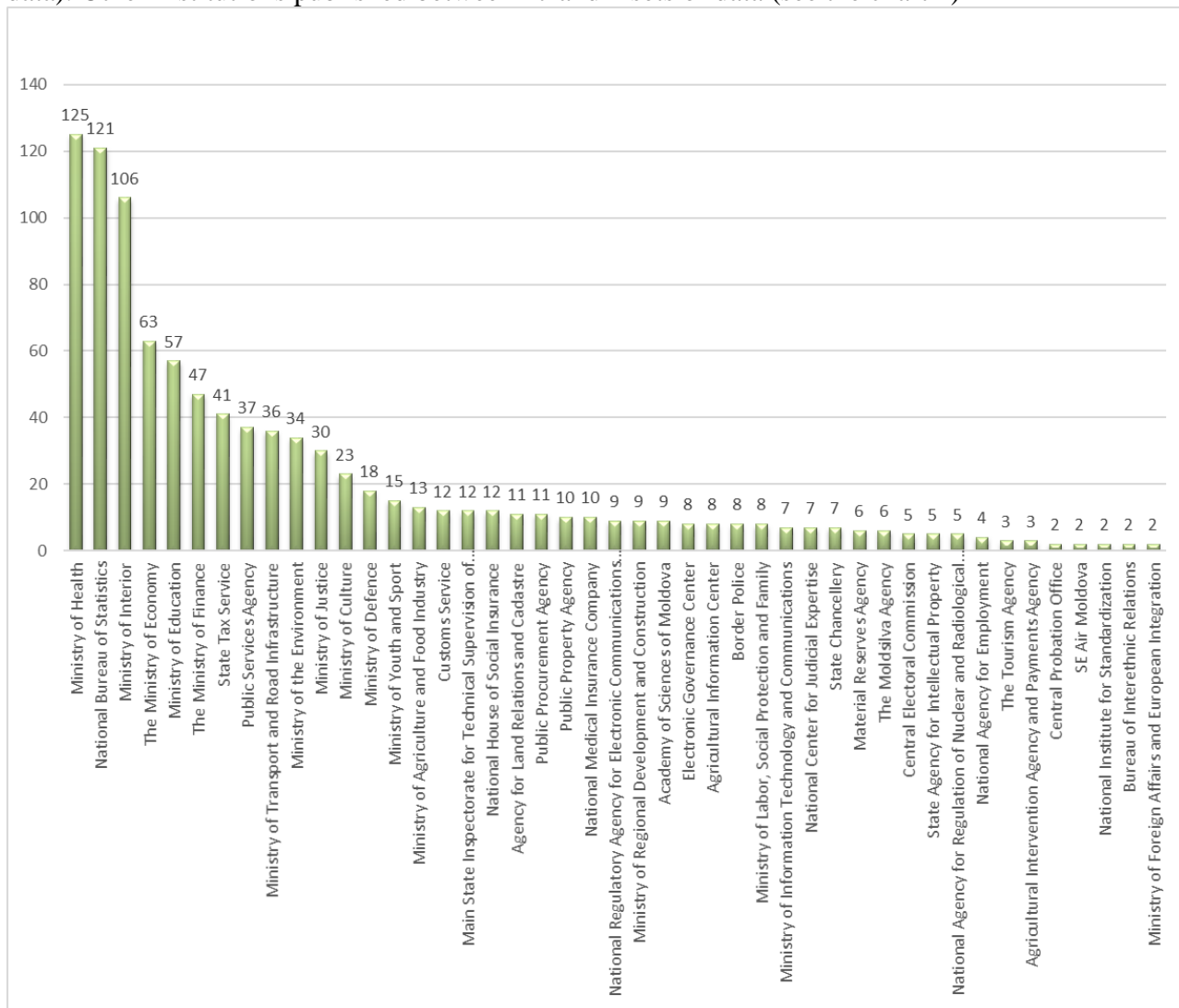


Chart 1: The top of state and public institutions based on the number of datasets published on the date.gov.md portal.

Why do certain ministries and public institutions publish sets of data regularly on the date.gov.md portal, while others don't? Theoretically, the preconditions for a good functioning of the unique office of the open data used by the governmental institutions have been established:

- Every institution appointed a responsible person for the open government data;
- The methodology of publishing these data has been elaborated;
- The appointed responsible people were informed about how to fill out the portal with the datasets.

In reality, a limited number of ministries and central administrative authorities publish datasets on the portal. The reasons of nonparticipation to the process of opening the data available through the portal are:

- The coordinators of open government data are reserved. Once the date.gov.md portal was published they became responsible for publishing the information of public character on the official website of their institutions, as well as on the portal. This assumes a double volume of work, small remuneration, and as a result - zero motivation;
- The lack of clear criteria for defining the complete specter of government data that should be made open by each institution. EGC recommends that the data are selected based on (i) its importance for the citizens, (ii) its importance for the government and (iii) that follows the relevant laws and regulations. The presented criteria allow a range of interpretation to the state institutions, therefore they do not open certain sets of data relevant to the public;
- The bureaucracy in ministries and state institutions complicates the government data coordinator's task of collecting the data from their colleagues from other divisions and subdivisions.

The "The Journey of Open Government & Open Data" study, elaborated by the World Bank in May 2012, identifies several impediments for implementation of the "open data" initiative in Republic of Moldova, that in the authors' opinion, are similar to the ones in countries with democratic traditions, such as Australia, Denmark, Spain, Great Britain and the United States of America. And this includes: an active or passive refusal by the authorities to cooperate in the process of changing the policies in the area of opening the data; marginalization of good practices in data management and data control; juridical barriers and confusion about the legal status of data; the concerns about the wrong data interpretation by the public; feeling of shame for publishing of data of a bad quality; the denial to open the data due to fear of losing an income sources, or due to much secretiveness.

In order to facilitate the access to the data on the portal, it is recommended that the data published by the ministries and the central administrative authorities are to be sorted by:

- the type of published information (i.e. activity report, statistical data, etc.),
- the year of reference (currently users can filter the sets of data by period of reference via the advanced search engine, but not on the subpage of the institution) etc.

Additionally, the governmental institutions should publish the systematized data that they possess for each category of public data for the recent years in a unique format.

On December 26, 2012 the Parliament has adopted the Law no. 305 on re-use of information in public sector (published in "Monitorul Oficial" on March, 29, 2013). The law aims to facilitate the re-use of the documents held by the public authorities and institutions that have been created during their own public service and could be later used for commercial or non-commercial purposes. The law provides that all authorities and public institutions are required to create lists of documents for re-use via electronic means and in an editable format and to appoint a person responsible for creation of the lists and document directories for re-use, as well as publishing of these documents on the web-page of the authority or the public institution and on the unique governmental portal of open data. As a result, the authorities and public institutions are obligated by the law to open the data of public character to the data.gov.md portal and their own web pages, a fact that could impel in the near future the process of opening the public information.

3. Recommendations

In order to simplify the access of mass-media, civil society, etc. to the open data sets, published on the official web pages of ministries and authorities of central administration, it is recommended that these would be published on the first page under "data of public character" or "public information", or "open data" rubrics, at one click distance. Additionally the webpage should offer more filter options for published sets of public data, especially by type of activity of the institution, year, etc.

It is recommended that ministries and public institutions that have online databases or registries of complex data and to publish user guides which include tips and step-by-step instructions for using the database, so-called tutorials or video tutorials. There are good practices in Republic of Moldova in this regard, and it is recommended that these are applied by all the institutions.

In order to ensure the relevance and utility of open data for the mass-media and the civil society, it is recommended:

- i) to identify clear criteria to establish the complete specter of governmental data that should be made open by each institution, an exercise that should be carried out by each institution in collaboration with the civil society;
- ii) to identify well-defined criteria for publishing the sets of open data, so that these would be complete, comprehensive and actual.

Recommendations for public servants:

- i) Corruption likes the secret. There are many cases, in the public sector, as well as in the private sector, when the access to data can contribute to the prevention of corruption. Open data allows more people to be involved in the decision-making process and influence other important activities of public servant.
- ii) Opening data improves the efficiency of governments. Public servants may use the data to rely on evidence and as a result react more efficiently to the signals sent by the citizens.

- iii) Think openly! Sharing the information with the citizens must be taken into consideration in every case, for all the data.
- iv) Do not keep the data to yourselves. Sharing the data improves the efficiency and the will of the public institution, that allow it to develop policies based on evidence.

The open datasets are useless if the public doesn't know about their existence. It is recommended that a governmental strategy for promoting the sets of open data in mass-media, civil society, etc. is developed, and later its implementation through the use of low-cost techniques, as social networks, electronic news blasts, etc.

4. Conclusions

1. An open and democratic society is built on the principle of transparency. Through this principle the civil society exercises its right to know and have access to the information of public interest, as well as over the activity of public authority. As a result of using this right, the civil society can improve the level of transparency of public authorities, improve and develop mechanism for implementation of principle of transparency. The Republic of Moldova has the legal framework necessary to insure a transparent and participating decision-making process, but it is not working efficiently. The national legal framework does not include clear and detailed norms in regard to the mechanisms of control in case of non-transparent decisions. Of course, we must mention that the mechanisms of control and sanctions should not represent a tool of political, financial pressure or of any other kind, on the central public authority, but it should represent an instrument of support, guidance and insurance of respecting the law.
2. The openness has a key role in the service of public sector. Obviously the openness of the public sector should be promoted on all levels. If on a local level we can speak about an implicit openness, due to the proximity of local public administration to the citizen, on the central level mechanisms and special procedures are needed. The existent European experience already identifies re-applicable initiatives in this regard, in the area of governmental openness, as well as in the area of parliamentary openness.
3. The participation of citizens helps the decision-making, improves understanding, cooperation and appreciation of what the public administration does, reduces conflicts, creates the support for application of a project or a plan for community and makes the public administration be more open towards the citizens' problems and concerns. Citizens Participation in a democratic society is fundamental.

The right for information is one of the fundamental human rights, guaranteed by the article 34 of the Constitution of Republic of Moldova. This right cannot be restricted, public authorities being obliged to ensure the correct information of citizens over the public matters and over the problems of personal interest.

5. References

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