# Independent Reporting Mechanism Progress Report Italy 2012-13

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#### **EXECUTIVE SUMMARY: ITALY**

Independent Reporting Mechanism: Progress Report 2012-2013

Italy's action plan was highly ambitious and included several commitments with high transformative potential. Most notably, the commitments on open data have strong potential in the coming years. Italy can make progress on its commitments on transparency and anti-corruption by taking a more proactive role in adopting a comprehensive freedom of information law that meets international standards.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Italy officially began participating in OGP in September 2011, when the Minister for Public Administration and Innovation declared the government's intent to join.

The Department of Public Administration (DPA) and the Presidency of the Council of Ministers lead the OGP in Italy. Although senior staff of the DPA coordinated the implementation of Italy's OGP commitments, other key government actors with their own budgets and mandates had a certain amount of discretion over the implementation of the action plan, including the Agency for Digital Italy; the Ministry of Education, Universities and Research; the Departments for Communication, and Economic Development and Cohesion; the Ministry of Economic Development: the Independent Commission for the Evaluation, Transparency, and Integrity of Public Administrations; the National Anti-Corruption Authority; and, the Centre of Services, Assistance, Studies and Training for Modernizing Public Administration (Formez PA).

#### **OGP PROCESS**

Countries participating in the OGP follow a process for consultation during development and implementation of their OGP action plan.

Stakeholders noted that Italy's OGP action plan was developed without public consultations. Although, consultations were carried out after the action plan was finalised, a limited number of civil society representatives and open government advocates were invited to comment on the draft action plan. While government posted the comments from the consultation on a website, none of the comments were incorporated into the final action plan. No multi-stakeholder forum was created, and no consultations were held on OGP implementation. According to the government's self-assessment report, two public events and a multi-stakeholder meeting were organised during the implementation period.

The government published its progress report ten days late. After the report was published, a limited number of stakeholders were invited to post comments on an online platform.

| At a glance            |       |
|------------------------|-------|
| Participating since:   | 2011  |
| Number of commitments: | 16    |
|                        |       |
| Level of Completion    |       |
| Completed: 3           | of 16 |

Completed: 3 of 16 Substantial: 1 of 16 Limited: 7 of 16 Not started: 5 of 16

Timing

On schedule: 1 of 16

Commitment Emphasis:

Access to information: 9 of 16
Participation: 5 of 16
Accountability: 4 of 16

Tech & innovation for

transparency & accountability:

6 of 16 1 of 16

None: 1 of 16

Number of Commitments with:

Clear relevance to an

OGP Value: 15 of 16 Moderate or transformative potential impact: 13 of 16

Substantial or complete implementation: 4 of 16

All three  $(\clubsuit)$ : 4 of 16

#### **COMMITMENT IMPLEMENTATION**

As part of OGP, countries are required to make commitments in a two-year action plan. Table 1 summarises each of Italy's commitments, including each commitment's level of completion, ambition, whether it falls within Italy's planned schedule, and key next steps. Italy's plan covered a wide variety of sectors and had a number of ambitious commitments, as evidenced below. Table 2 summarizes the IRM assessment of progress on each commitment. Italy completed four of its 16 commitments.

**Table 1: Assessment of Progress by Commitment** 

| COMMITMENT SHORT NAME   | РО            | TEN   | TIAI     | -              | LEV         | VEL (   | OF          |          | TIMING             | NEXT STEPS   |
|---|---------------|-------|----------|----------------|-------------|---------|-------------|----------|--------------------|--|
| COMMITTIVIENT SHORT NAME  | IMPACT COMPLE |       |          | LETI           | ON          | TIMING  | NEXT SIEFS  |          |                    |  |
| COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.  | NONE          | MINOR | MODERATE | TRANSFORMATIVE | NOT STARTED | LIMITED | SUBSTANTIAL | COMPLETE |                    |  |
| <b>②</b> 1. Transparency Portal: Make available performance plans and reports of public authorities, full texts of 3-year programmes for transparency and integrity, quality standards of services provided to citizens and business; set up a reporting system for better data readability.  |               |       |          |                |             |         |             |          | Behind<br>schedule | Further work<br>on basic<br>implementation                                 |
| ② 2. Better Regulatory Framework against Corruption within the Public Administration: Reduce public spending through better competition; draft legislation to implement anticorruption plans; and protect whistle-blowers.  |               |       |          |                |             |         |             |          | Unclear            | New commitment based on existing implementation                            |
| ② 3. Information System on the Status of<br>Actions Falling Under the Unitary Regional<br>Planning: Establish information system to make<br>accessible public data on EU structural funds,<br>national development and cohesion funds;<br>evaluate their impact on citizens' quality of life. |               |       |          |                |             |         |             |          | On<br>schedule     | New<br>commitment  |
| <b>4. Cost Measurement and Reduction:</b> Consult citizens and business on cost reduction and measurement.  |               |       |          |                |             |         |             |          | Unclear            | Further work   |
| 5. How to(Initiative to Promote Transparency on Public Authority's Websites): Promote transparency on PA's websites of all information related to service provision and administrative procedures.  |               |       |          |                |             |         |             |          | Behind<br>schedule | Revision of the<br>commitment to<br>be more<br>achievable or<br>measurable |
| 6. Quantitative and Qualitative Development of Relations with Citizens and PA Stakeholders: Promote the implementation of Legislative Decree No. 150/2009 that seeks to improve interactions between citizens, stakeholders, and public entities.   |               |       |          |                |             |         |             |          | Unclear            | Revision of the commitment   |
| <b>©7.</b> Facilitate Publication and Reuse of Public Data: Amend national legislation on publication and re-use of public data.  |               |       |          |                |             |         |             |          | Unclear            | New commitment   |
| 8. Enhancing the National Open Data Portal (www.dati.gov.it): Enhance the national data portal.   |               |       |          |                |             |         |             |          | Unclear            | Revision of the commitment   |
| 9. Promoting National Open Data Standards: Promote national standards for open data that are in line with the pan-European open data portal.  |               |       |          |                |             |         |             |          | Unclear            | Revision of the commitment   |

| COMMITMENT SHORT NAME  |      | TEN<br>PAC | ITIAI    | L              |             | VEL (   |             | ON       | TIMING             | NEXT STEPS   |
|--|------|------------|----------|----------------|-------------|---------|-------------|----------|--------------------|--|
| © COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.   | NONE | MINOR      | MODERATE | TRANSFORMATIVE | NOT STARTED | LIMITED | SUBSTANTIAL | COMPLETE |                    |  |
| 10. National Open Data Contest: Promote an annual contest on creative re-use of public data.   |      |            |          |                |             |         |             |          | Behind<br>schedule | Further work on<br>basic<br>implementation                     |
| 11. Preparation of the National Plans for Smart Communities: Prepare a national plan for smart communities.  |      |            |          |                |             |         |             |          | Behind<br>schedule | Further work on<br>basic<br>implementation                     |
| 12. Public Consultation on New Policies and New Legislations: Promote public consultation on new policies and legislation.   |      |            |          |                |             |         |             |          | Unclear            | Revision of the commitment to be more achievable or measurable |
| 13. Enhancing Participation and Collaboration in Territorial Innovative Actions: Enhance participation in territorial innovation projects.   |      |            |          |                |             |         |             |          | Unclear            | None: Abandon<br>Commitment                                    |
| 14. Opening Up of New Areas for Public Service Development and Delivery: Open up new areas to develop and deliver public services.   |      |            |          |                |             |         |             |          | Unclear            | None: Abandon<br>Commitment                                    |
| 15. ICT Infrastructure Enhancement in Public Administrations: Regulate existing e-government regulations, disseminate information on e-government tools, and develop ICT infrastructure in public administrations. |      |            |          |                |             |         |             |          | Unclear            | Revision of the commitment to be more achievable or measurable |
| 16. Cloud Computing Strategic Plan, Creation of PA Data Centres within a Public-Private Partnership: Promote public-private partnership for creating data centres and Cloud Computing Strategic Plan.              |      |            |          |                |             |         |             |          | Behind<br>schedule | Further work on<br>basic<br>implementation                     |

| Table 2: Summary of Progre   |  |
|--|--|
| NAME OF COMMITMENT   | SUMMARY OF RESULTS   |
|  | NT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS  |
| SUBSTANTIALLY OR COMPLETELY IMP  |  |
| <b>②</b> 1. Transparency Portal  | Although the idea of a transparency portal was introduced in 2009, it was not implemented. Its inclusion in the OGP action plan portrayed it as the main tool to proactively disclose  |
| OGP Value Relevance: Clear   | information relevant to anti-corruption efforts. The portal was developed and should have  |
| Potential Impact: Moderate   | been operational by end of 2013. However, at the time of this report, the public could not   |
| Completion: Substantial  | access Italy's transparency portal.  |
| <ul> <li>2. Better Regulatory Framework against Corruption within the Public Administration</li> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Complete</li> </ul> | This commitment's focus was the adoption of a new anti-corruption regulatory framework. A law on anti-corruption (Law No. 190/2012) was introduced in November 2012 to promote greater transparency in service delivery, public procurement, conflict of interest, and civil servants' performance. However, since the anti-corruption initiatives that led to the new law were in place prior to the OGP, the commitment did not advance government practice. Stakeholders noted that the new law did not provide any incentives or protection for whistle-blowers. Government can complement existing efforts to renew public trust in government institutions. According to the IRM researcher a new commitment to introduce a new, comprehensive access to information law should be included in the next action plan. |
| <b>②</b> 3. Information system on the Status   | Although this commitment existed prior to the OGP, the 2012 launch of the Open Coesione  |
| of Actions Falling Under the Unitary   | portal became a benchmark for all government departments to develop a coherent open data   |
| Regional Planning  | policy. The Open Coesione portal provided the public access to detailed public data in open data formats and constantly updated information on over 650,000 projects funded by the   |
| OGP Value Relevance: Clear     Detertial Imposts   | national cohesion policies and European Structural Funds. Further work is necessary to   |
| Potential Impact: Transformative   | strengthen the impact and expand the scope of this initiative.   |
| Completion: Complete   |  |
| 4. Cost Measurement and Reduction  | According to the government progress report, this commitment was achieved by setting up  |
| OGP Value Relevance: Clear   | four specific online consultations. The consultations were largely carried out prior to the  |
| Potential Impact: Moderate   | development of OGP's first action plan and were in line with Italy's EU obligations. Given   |
| Completion: Limited  | the lack of specificity of this commitment, it was difficult to assess the progress made in  |
|  | improving public consultation. According to an independent assessment of Italy's first action plan, no relevant public consultations were organised.   |
| 5. How to(Initiative to Promote  | Civil society representatives strongly disagreed with the government's progress report   |
| Transparency on Public Authority's   | assertion that the Legislative Decree No. 33 of 2013 introduced a comprehensive legal  |
| Websites)  | framework establishing general principles of transparency and provide full access to   |
| OGP Value Relevance: Clear   | information about government activities. Transparency experts noted that Decree No. 33 is  |
| Potential Impact: Moderate   | not equivalent to a freedom of information law. Further, it did not advance government practice as it is unsupported by measures like those envisioned in this commitment to make  |
| Completion: Not started  | the public administration and bureaucratic systems and procedures more open to the public.   |
| 6. Quantitative and Qualitative  | This commitment focused on improving interactions between citizens, stakeholders, and  |
| Development of Relations with  | public entities. However, as written, it did not specify any measureable activities that could   |
| Citizens and PA Stakeholders   | serve as evidence of its implementation.   |
| OGP Value Relevance: Clear   |  |
| Potential Impact: Moderate   |  |
| • Completion: Limited  | A now localative degree introduced records in to discouring to it for more in the state of   |
| <b>♦</b> 7. Facilitate Publication and Reuse of Public Data  | A new legislative decree introduced regulations to disseminate information about government practices and made it easier to access and share data through an "open by default" principle.  |
| OGP Value Relevance: Clear   | All government data must be released in open data format. Furthermore, open data is defined  |
| Potential Impact: Moderate   | as data that can be re-used for commercial purposes and must be accessible free of charge.   |
| Completion: Complete   |  |
| 8. Enhancing the National Open Data  | The text of the commitment is not specific enough to assess its implementation. However,   |
| Portal (www.dati.gov.it)   | stakeholders considered an open data portal to be one of the most important commitments.   |
| OGP Value Relevance: Clear   | They suggested that the commitment should be revised and taken up in the next action plan.   |
| Potential Impact: Minor  |  |
| Completion: Limited  |  |
| 9. Promoting National Open Data  | In May 2013, pursuant to a legislative decree to promote the adoption of digital technologies  |
| • OGP Value Relevance: Clear   | and open data standards across the country, the Agency for Digital Italy (AgID) issued technical requirements to publish databases of "critical national interest" and to update them  |
| Potential Impact:  | in compliance with international standards. However, stakeholders said they were not   |
| Transformative   | consulted on the matter. AgID also adopted national guidelines for "enhancing public   |
| Completion: Limited  | information resources." The commitment was only partially implemented. The government  |
| 1  | self-assessment report confirmed this. The potential outcomes of the guidelines remain   |
|  | unclear. Stakeholders noted the need for a stronger commitment and the involvement of the private sector.  |
|  | private sector.  |

| <ul> <li>10. National Open Data Contest</li> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Moderate</li> <li>Completion: Not started</li> </ul>                                | This commitment focused on organizing a national open data contest. However, this commitment existed prior to OGP. Although the government's self-assessment report noted that several local authorities launched contests, they were autonomous initiatives and did not move government practice forward. The IRM researcher did not find any new evidence on launching a new national contest.  |
|--|---|
| <ul> <li>11. Preparation of the National Plans for Smart Communities</li> <li>OGP Value Relevance: Clear</li> <li>Potential Impact: Transformative</li> <li>Completion: Limited</li> </ul> | This commitment embodied the potential to foster the OGP value of innovation and technology for openness and accountability. It focused on preparing a national plan for smart communities. AgID developed a plan (Smart Communities' Architecture) that would enable information sharing, improve service delivery, and make access to technology equitable and affordable. However, stakeholders noted that significant efforts were needed to develop, finalise, and adopt a national plan. No plan was adopted during the review period.  |
| 12. Public Consultation on New Policies and New Legislations  OGP Value Relevance: Clear Potential Impact: Moderate Completion: Limited  | A public consultation platform (partecipa.gov.it) was created. According to the government's self-assessment report, using this platform, several consultations were organised with citizens on new policies and legislation. Stakeholders noted that the platform was a positive step forward. They emphasized the need for clarity on methodologies, guidelines, and how policy-makers can incorporate public feedback from such consultations. Because the consultations are largely online, going forward, the government could examine its relevance for all citizens, especially those who cannot interact online. With this commitment, the government acknowledged the importance of public consultation. Therefore, it can significantly improve the quality of their outcome by making public consultations more widely accessible. |
| 13. Enhancing Participation and Collaboration in Territorial Innovative Actions  OGP Value Relevance: Clear Potential Impact: Minor Completion: Not started                                | The text of the commitment was vague, which made assessment difficult. Stakeholders noted the commitment lacked focus and a vision. The IRM researcher recommended abandoning this commitment as its current form does not allow for reformulation.   |
| 14. Opening Up of New Areas for Public Service Development and Delivery  OGP Value Relevance: Unclear  Potential Impact: None Completion: Not started                                      | The government's self-assessment is silent on this commitment. Stakeholders noted the commitment lacked focus and a vision. As written, the commitment seems too vague and is unclear on how it will promote core OGP values.   |
| 15. ICT Infrastructure Enhancement in Public Administrations  OGP Value Relevance: Clear  Potential Impact: Moderate  Completion: Limited  | This commitment focused on technology and innovation to improve public service delivery. However, it was unclear how the proposed actions on various e-government regulations can directly improve openness and accountability of public administrations.   |
| 16. Cloud Computing Strategic Plan, Creation of PA Data Centres within a Public-Private Partnership  OGP Value Relevance: Clear  Potential Impact: Moderate  Completion: Not started       | It is difficult to assess the progress of this commitment. Stakeholders understood this policy as a way to reduce the digital divide affecting the regions of Calabria, Basilicata, Molise and Sardinia as well as to enable better data- and information-sharing between government and citizens. However, stakeholders did not know of plans for creating a digital infrastructure under development. The government's self-assessment did not include any reference to plans.  |

#### **RECOMMENDATIONS**

Several positive actions have been carried out in Italy after joining OGP. However, the overall context for implementing core OGP principles remains difficult. Based on the challenges and findings identified in this report, this section presents the principal recommendations.

- 1. **Raising awareness**: The government can make efforts to reach key constituencies, in particular organize in-person outreach initiatives at the regional and local levels to publicise Italy's OGP actions.
- 2. **Stakeholder engagement:** (a) Include multiple stakeholders into the development and implementation of the next action plan; (b) create opportunities for engagement with the OGP process at the local level; and (c) establish a website dedicated to OGP and its relevance to different stakeholders.
- 3. **Consultation:** Provide advance notice for public consultations, establish a multistakeholder forum, and create other opportunities to gather public comments.
- 4. **Future commitments:** (a) The government can adopt new commitments to create opportunities for public participation in decision making processes; (b) improve citizens' access to information and introduce a more comprehensive proactive disclosure

policy on government held data; (c) enhance anti-corruption actions and ensure whistle-blower protection; and (d) improve availability and access to government data in open data formats.

**Eligibility Requirements 2012:** To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit <a href="http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria">http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria</a>. Raw data was recoded by OGP staff into a four-point scale, listed in parentheses below.

Budget Transparency: Executive Budget and Audit Report (4 of 4) Access to Information: Law Enacted (4 of 4)

Asset Disclosure: Senior Officials and Politicians (4 of 4) Civic Participation: 8.53 of 10 (4 of 4)

Andrea Menapace is a London-based project manager and researcher, he has held a variety of positions in national and international advocacy organizations focused on governance and human rights, open government and access to information, transparency and accountability.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



#### I. BACKGROUND

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

#### Introduction

Italy officially began participating in OGP in September 2011 when the Minister for Public Administration and Innovation declared the government's intent to join.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. As described below, indicators produced by organisations other than OGP produced indicators to determine the extent of country progress on each of the dimensions, with points awarded as described below. Italy exceeded the minimumItaly entered into the partnership exceeding the minimal requirements for eligibility when it joined the partnership. At the time of joining, the country had a high score for Open Budgets (two out of a possible two¹), a high score based on the Transparency Law (four out of a possible four),² a high score on the in Asset Disclosure for Senior Officials and Politicians index (four out of a possible four),³ and a score of 8.54 out of a possible 10 on the Civil Liberties category of the Economist Intelligence Unit's Democracy Index Civil Liberties subscore.⁴

All OGP participating governments must develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their action plans by sharing existing efforts related to a set of five "grand challenges," including specific open government strategies and ongoing programs. (See Section 4 for a list of grand challenge areas.) Action plans should then set out each government's OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Along with the other cohort two2 OGP countries, Italy developed its national action plan from January through April 2012. The action plan submitted in April 2012 was implemented through 2013. The government published its self-assessment report in September 2013. According to the OGP schedule,<sup>5</sup> officials and civil society members are to revise the first plan or develop a new plan by April 2014, with consultation beginning January 2014.

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with an experienced, independent local researcher to carry out an evaluation of the development and implementation of the country's first action plan. In Italy, the IRM partnered with Andrea Menapace, of an independent researcher with expertise in governance, who authored this progress report. It is the aim of the IRM to inform

ongoing dialogue around development and implementation of future commitments in each OGP participating country.

#### **Institutional Context**

The Department of Public Administration (DPA) within the Presidency of the Council of Ministers (PCM) leads the Open Government Partnership in Italy.

The DPAD, established in 1983 and led by a Minister delegated by the President of the Council, is in charge of carrying out reform initiatives of the administration towards more efficient and effective government.

The senior staff member, Stefano Pizzicannella, coordinated the OGP working group within the DPA. Several ministries and agencies were responsible for implementing the OGP commitments included in the action plan. This is also reflected in the self-assessment report, which was finalised by the DPA with contributions from the ministries and agencies involved in the process, listed below:

- Department for Public Administration (DPA)
- Agency for Digital Italy (AgID)
- Ministry of Education, Universities and Research (MIUR)
- Department for Communication, Ministry of Economic Development
- Department for Economic Development and Cohesion, Ministry of Economic Development
- Independent Commission for the Evaluation, Transparency, Integrity of Public Administrations National Anti-Corruption Authority (CiVIT). According to the Law No. 125, approved by Parliament on the 29th of October 2013 the name CiVIT has been changed Anticorruption National Authority and for evaluation and transparency of public administrations (A.N.AC.).
- Centre of Services, Assistance, Studies and Training for Modernising Public Administrations (FormezPA)

Given Italy's administrative system, regions and local municipalities have executive powers over their affairs and a certain degree of autonomy from the national government. Even though the DPA was the lead institution, it had limited coordinating power. Each ministry and agency that had its own budget and specific mandate had a certain amount of discretion over the effective implementation of the action plan.

Unless otherwise noted, references to "the government" are specific to the national government as a whole.

#### **Methodological Note**

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government, working with local individuals or organisations with experience in assessing open government. In Italy, the IRM partnered with Andrea Menapace, an independent researcher and consultant, who reviewed the government's self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

To gather the voices of multiple stakeholders, the IRM researcher organised two stakeholder forums (here on IRM stakeholder forums), one was in Rome and the other in Trento, which were conducted as focus group discussions. The researcher also reviewed the self-assessment report published by the government in October 2013.<sup>6</sup> Furthermore, the Open Government Forum carried out an autonomous assessment of

government progress in June 2013.<sup>7</sup> Numerous references are made to these documents. Summaries of the IRM stakeholder forums and interviews are provided in the Annex.

<sup>&</sup>lt;sup>1</sup> Open Budget Partnership, *Open Budgets Change Lives* (Washington, DC: Open Budget Partnership, 2012), <a href="http://bit.ly/1fAV22Y">http://bit.ly/1fAV22Y</a>

<sup>&</sup>lt;sup>2</sup> Government of Italy, "Legislative Decree No. 33," Gazzeta Ufficiale della Repubblica Italiana, 14 March 2013, http://bit.ly/1c0uM24

<sup>&</sup>lt;sup>3</sup> Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <a href="http://bit.ly/19nDEfK">http://bit.ly/19nDEfK</a>; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (France: OECD Publishing, 2009), 132, <a href="http://bit.ly/13vGtqS">http://bit.ly/13vGtqS</a>; Richard Messick, "Income and Asset Declarations: Global Experience of Their Impact on Corruption" (paper prepared for the Conference on Evidence-Based Anti-Corruption Policy organised by Thailand's National Anti-Corruption Commission (NACC) in collaboration with the World Bank, Bangkok, Thailand, 5-6 June 2009), 16, <a href="http://bit.ly/1clokyf">http://bit.ly/1clokyf</a>

<sup>&</sup>lt;sup>4</sup> The Economist, *Democracy Index 2010: Democracy in Retreat*, by the Economist Intelligence Unit (Report, London, 2010), <a href="http://bit.ly/eLC1rE">http://bit.ly/eLC1rE</a>

<sup>&</sup>lt;sup>5</sup> "The OGP Calendar for Participating Countries," Open Government Partnership, http://bit.ly/1gHJxrM

<sup>&</sup>lt;sup>6</sup> Department of Public Administration, *Open Government Partnership Self-Evaluation of the Italian Action Plan* by the Government of Italy (Report, Rome, September 2013), <a href="http://bit.ly/1drmfbl">http://bit.ly/1drmfbl</a>

<sup>&</sup>lt;sup>7</sup> Open Government Forum, *Civil Society's Report on First Italian Open Government Action Plan Implementation* edited by Ernesto Belisario, Stefano Epifani, and Guido Romeo (Report, Rome, June 2013), http://slidesha.re/1irg4ps

#### II. PROCESS: DEVELOPMENT OF ACTION PLAN

The action plan was finalised after an initial round of consultation. A list of participants invited to the consultation was not made available to the IRM researcher. Thus, it is not possible to identify the different stakeholders involved in the development of Italy's OGP action plan.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP's Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation;
- Consult widely with the national community, including civil society and the
  private sector; seek out a diverse range of views and; make a summary of the
  public consultation and all individual written comment submissions available
  online;
- Undertake OGP awareness- raising activities to enhance public participation in the consultation;
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is discussed in Section dealt with in the section "III on: Consultation during implementation":

 Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is dealt with in the next section, but for ease of reference, Table 1 summarises evidence of consultation both before and during implementation is included here and in Table 1 for ease of reference.

Table 1: Action Plan Development Process Checklist

| Table 1. Action Flan Development Process Checklist |  |   |  |  |  |  |  |
|--|--|---|--|--|--|--|--|
| Phase of<br>Action Plan                            | OGP Process<br>Requirement (Articles<br>of Governance Section) | Did the Government Meet This Requirement? |  |  |  |  |  |
| During<br>Development                              | Timeline and process:<br>Prior availability                    | No  |  |  |  |  |  |
|  | Advance notice   | No  |  |  |  |  |  |
|  | Awareness-raising activities                                   | No  |  |  |  |  |  |
|  | Online consultations   | Yes                                       |  |  |  |  |  |
|  | Online consultation link                                       | http://bit.ly/Ia89gS                      |  |  |  |  |  |
|  | In-person consultation   | No  |  |  |  |  |  |
|  | Summary of comments  | Yes                                       |  |  |  |  |  |
|  | Summary of comments link                                       | http://bit.ly/Ia89gS                      |  |  |  |  |  |
| During   | Regular forum  | No  |  |  |  |  |  |

#### Implementation

According to OGP working group staff, guidelines, countries should: consult widely with the initial national community, including civil society and the private sector; seek out a diverse range of views; and make details of their public consultation process and timeline available prior to the consultation.

OGP action plan development in Italy had two phases. The first, according to OGP working group staff, prior to approval of the action plan was carried out online through mailing list. A limited number of stakeholders, civil society representatives, and open government advocates were invited to comment on the draft action plan. However, a mailing list was provided but no summary of comments on the draft were made available to the IRM researcher.

Stakeholders interviewed by the IRM researcher noted that no OGP raising-awareness-raising activities or consultations were conducted prior to development of the action plan.

Around the time of the Brasilia OGP meeting, a public notice and comment period commenced. Public comments were also sought after the action plan was finalised through an online platform by inviting a limited number of stakeholders after the action plan was finalised. The action plan was made available for public comment on 11 April 2012 and it was launched on 17 April at the OGP Summit in Brasilia, Brazil. Online consultation remained opened between 12 and 27 of April.¹ Public comments were also sought through an online platform by inviting a limited number of stakeholders, after the action plan was finalised.

The Stakeholders who were consulted provided feedback. A summary of the submissions and comments received was posted online. Although the government declared, "all comments concur to improve and supplement the action plan," none of the contributions from the consultation resulted in any change to the action plan.<sup>2</sup>

As stated in the government's self-assessment report, OGP awareness-raising activities to enhance public participation in the consultation were carried out during implementation. Three government awareness-raising activities are discussed in the next section.

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<sup>&</sup>lt;sup>1</sup>Department of Public Administration, "Action Plan for Open Government," Government of Italy, http://www.lineaamica.gov.it/ditecicome/ogp/

<sup>&</sup>lt;sup>2</sup>Ibid

# III. PROCESS: CONSULTATION DURING IMPLEMENTATION

In Italy, the consultation process was held largely at the agency level. The Department of Public Administration (DPA) organised three events to discuss the OGP action plan.

As part of their participation in OGP, governments' commit to identify a forum, existing or new, to enable regular multi-stakeholder consultation on OGP implementation. This section summarises that information.

#### **Consultation Process**

According to the IRM researcher, no forum was established that enabled regular multistakeholder consultation on the implementation of the action plan.

The process for consultation during the development of the action plan took place exclusively within the lead (Following the implementation period, government established the "Comunità online Open Government" at: <a href="http://www.innovatoripa.it/groups/open-government">http://www.innovatoripa.it/groups/open-government</a>.)

The process for consultation during the development of the action plan took place exclusively at government level within the lead institution, (DPA). The IRM researcher found no evidence of any multi-stakeholder meeting within particular implementing agencies or departments working on specific commitments.

According to the self-assessment report, the DPA organised two public events and one multi-stakeholder meeting for consultations during implementation, as part of its consultation efforts:

- **10 December 2012**: The DPA hosted the Third European Outreach Meeting of the Open Government Partnership, titled (OGP), dedicated to "Transparency, Participation and Collaboration: Public Administration Opens to Dialogue", took place in Rome at the DPA office. Forty-eight people were invited to the meeting. Twenty-five people participated.
- 29 May 2013: The DPA organised a public Public event, titled: "Open Government: Perspectives and Opportunities," opportunities" organised by DPA during the 23<sup>rd</sup>23th edition of FORUM PA, one of the most important Italian events concerning innovation and modernisation in public administration.<sup>2</sup> Fifty-seven people from civil society organisations (CSOs) were invited to this event. A total number of 234 participants from CSOs and government participated.
- **04 July 2013**: The DPA organised a multi-stakeholder meeting, with forty participants representing five government departments and twenty-five CSOs.<sup>3</sup>

All consultations took place in Rome. Live streaming was also available. Minutes and lists of invitees and participants were made available to the IRM researcher.

Several stakeholders who participated in these consultations expressed frustration with the way in-person consultations were conducted as well as with the subsequent follow-up efforts. One of the consultations provided less than one week's notice. Stakeholders reported that key OGP government officials left the meeting even before the civil society representatives, who were specifically invited to provide feedback, had the chance to provide feedback.

Some CSOs invited to the meetings also expressed the view that the lead institution did not seem interested in engaging meaningfully or sharing the decision -making process with civil society and private sector.

Beyond government-led efforts, the Open Government Forum, - a coalition of civil society organisations, - monitored the implementation of the action plan and released a civil society assessment of the first action plan.<sup>4</sup>

<sup>&</sup>lt;sup>1</sup> Ministry for Public Administration and Simplification, "OGP: Third European Outreach Meeting of the Open Government Partnership," Government of Italy, <a href="http://bit.ly/Ia9CU9">http://bit.ly/Ia9CU9</a>

 $<sup>^2</sup>$  Ministry for Public Administration and Simplification, "OGP at Forum PA 2013," Government of Italy, <a href="http://bit.ly/1drpzne">http://bit.ly/1drpzne</a>

<sup>&</sup>lt;sup>3</sup> Ministry for Public Administration and Simplification, "OGP – Meeting July 4, 2013," Government of Italy, <a href="http://bit.ly/Ill7GQ">http://bit.ly/Ill7GQ</a>

<sup>&</sup>lt;sup>4</sup> Open Government Forum, http://www.opengovernmentforum.it/

#### IV. IMPLEMENTATION OF COMMITMENTS

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant policy area. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

OGP commitments are to be structured around a set of five "grand challenges" that governments face. OGP recognises that all countries are starting from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that most relate to their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country.

The five OGP grand challenges are:

- 1. **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.
- 2. **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.
- 3. **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.
- 4. **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.
- 5. **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect four core open government principles:

- **Transparency**—information on government activities and decisions is open, comprehensive, timely, freely available to the public, and meets basic open data standards (e.g. raw data, machine readability).
- **Citizen Participation**—governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.
- **Accountability**—there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.
- **Technology and Innovation**—governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology.

Countries may focus their commitments at the national, local and/or sub-national level—wherever they believe their open government efforts will have the greatest impact.

Recognizing that achieving open government commitments often involves a multi-year process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible.

This section details each of the commitments Italy included in its initial action plan. The IRM researcher assigned a number to each commitment following the chronological order of the action plan. For ease of reading, non-specific milestones were considered commitments in themselves.

A number of the commitments have a single milestone, while others have multiple milestones. In these latter cases, the milestones have been evaluated together on a single fact sheet in order to avoid repetition and to make reading easier for OGP stakeholders.

While most indicators given on each commitment fact sheet are self-explanatory, a number of indicators for each commitment deserve further explanation.

- Relevance: The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
  - OGP values: To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made a judgment from a close reading of the commitment's text. This judgment reveals commitments that can better articulate their relationship to fundamental issues of openness.
  - Grand challenges: While some commitments may be relevant to more than one grand challenge, the reviewer only marked those that had been identified by government.
- Ambition: The IRM researchers evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
  - Potential impact: To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher's knowledge and experience as a public policy expert.
  - New or pre-existing: Based on the facts, the IRM researcher also recorded whether a commitment was based on an action that pre-dated the action plan.
- Timing: The IRM researchers evaluated each commitment's timing, even where clear deliverables and suggested annual milestones were not provided.
  - Projected completion: In cases where this information was not available, the IRM researcher made her best judgment based on the evidence of how far the commitment could possibly be at the end of the period assessed.

### 1. Transparency Portal

The portal will be realized and administered by CIVIT in cooperation with DIGIT PA. As provided for by the Law, it will contain PAs' performance plans and reports. Moreover, it will make information available as regards administrations' strategic and operational objectives, alongside information on relevant indicators, targets, stakeholders (leaders and contributors) as well as on the results achieved. Deviations from standards and the reasons for not achieving set targets will be indicated too. The Portal will also contain the full texts of the three-year Programmes for transparency and integrity. As for these Programmes, the Portal will display data which could prove to be useful to assess completion rates in terms of publication of mandatory data and information, together with an analysis of deviation from standards set forth by the Programmes themselves. Finally, the Transparency Portal, once consolidated, will have to contain quality standards of services provided to external users (citizens, business, etc.) by each administration. For each service, it will indicate standards concerning the various dimension of service quality (accessibility, transparency, timeliness, efficacy). With a view to ensuring a better data readability by citizens, we will also set up a reporting system. Such a system will result in an open dataset, to be published on the relevant Portal.

| un o  | ipen uutuset, to be         | published on the r   | eievani Portai.                         |                    |                                 |      |  |  |  |  |  |  |
|---|-----------------------------|--|---|--------------------|---------------------------------|------|--|--|--|--|--|--|
| Co  | mmitment De                 | escription   |   |                    |                                 |      |  |  |  |  |  |  |
| lity  | Lead<br>institution         | Independent Commission for the Evaluation, Transparency, Anticorruption National Authority (ANAC; formerly Integrity of Public Administrations National Anti-Corruption Authority (CiVIT)) |   |                    |                                 |      |  |  |  |  |  |  |
| Answerability   | Supporting institutions     | Independent Commission for the Evaluation, Transparency,   |   |                    |                                 |      |  |  |  |  |  |  |
| MS  | institutions                | Anticorruption   | National Authority                      | (ANAC)             |                                 |      |  |  |  |  |  |  |
| An  | Point of contact specified? | No   |   |                    |                                 |      |  |  |  |  |  |  |
|   | cificity and<br>asurability |  | itment language d<br>iable, but does no |                    |                                 | s or |  |  |  |  |  |  |
| 9   | OGP grand<br>challenges     | None specified   |   |                    |                                 |      |  |  |  |  |  |  |
| Relevance   | OGP Values                  | Access to<br>Information   | Civic<br>Participation                  | Accounta<br>bility | Tech & Innovation Trans. & Acc. | None |  |  |  |  |  |  |
|   |                             |  |   | $\sqrt{}$          |                                 |      |  |  |  |  |  |  |
| Am  | bition                      |  |   |                    |                                 |      |  |  |  |  |  |  |
| Nev   | v vs. pre-                  | Potential impa   | ct                                      |                    |                                 |      |  |  |  |  |  |  |
| Potential impact  existing  Moderate (The the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.) |                             |  |   |                    |                                 |      |  |  |  |  |  |  |
|   |                             |  |   |                    |                                 |      |  |  |  |  |  |  |

| Level of completion |                                      |                      |             |  |  |  |  |  |  |
|---------------------|--------------------------------------|----------------------|-------------|--|--|--|--|--|--|
| Start date:<br>N/A  | End date: January                    | Actual completion    | Substantial |  |  |  |  |  |  |
| ,                   | 2014                                 | Projected completion | Complete    |  |  |  |  |  |  |
| Next steps          | Next steps                           |                      |             |  |  |  |  |  |  |
| Further work or     | Further work on basic implementation |                      |             |  |  |  |  |  |  |

#### What happened?

This commitment has not been met. According to Italy's self-assessment report and interviews carried out by the IRM researcher with representatives of the implementing institution of the Independent Commission for the Evaluation, Transparency, Integrity of Public Administrations (CiVIT),¹ the portal has been substantially been developed and should be available and fully operational in January 2014.

The new anti-corruption law² approved in November 2012 designated CiVIT as the national anti-corruption authority with major functions and powers for preventing and fighting corruption. Part of CiVIT'sits new tasks included ensuring all public administrations at each level of the government appointappointed a contact person responsible for preventing corruption. The aim is so as to establish a network of people who would go on to develop specific transparency and anti-corruption initiatives. The result was a large network including over 2,800 government officials responsible for corruption prevention. Over 30 per cent of Regions, almost 40 per cent of Provinces, and over 25 per cent of the 8,000 Italian municipalities designated their representatives.

The Transparency Portal was portrayed as the main tool to facilitate proactive disclosure of information relevant to anti-corruption efforts. However, at the time of this report the portal was not accessible to the public

#### Did it matter?

The idea of the Transparency Portal was introduced in 2009 through a law on government transparency.<sup>3</sup> Thus far it has not been implemented.

The stakeholders interviewed by the IRM researcher foresaw two potential challenges with the portal. On the one hand it could become an excessive burden on local administration staff. On the other hand it could increase red tape with no concrete results on anti-corruption.

Some stakeholders also stated that information portals across different government departments could potentially hamper citizens' rights to access to information, rather than enable it as proposed. They pointed out that efforts were needed to develop a single point of reference dedicated to all public interest data and information. In, particular, they want information that was already specified for mandatory disclosure by Legislative Decree No.legislative decree 33/2013.

#### **Moving forward**

The IRM researcher recommends further implementation of this commitment in a way that facilitates better access to information by the public in matters of broad public interest. The

IRM researcher believes that the availability of comprehensive, timely and machine-readable data and information would strengthen anti-corruption efforts by empowering citizens to access to government-held information. Such information should therefore should not be limited to those documents or /data that are subject to mandatory disclosure through Legislative Decree No.the legislative decree 33/2013.

Awareness campaigns are also needed to ensure that citizens are aware of the availability of public interest information, and, more importantly, know how to access such information.

 $<sup>^{\</sup>rm 1}$  Independent Commission for the Evaluation, Transparency, Integrity of Public Administrations, http://www.civit.it/

<sup>&</sup>lt;sup>2</sup> Government of Italy, "Law No. 190," Ministry for Public Administration and Simplification, 6 November 2012, http://bit.ly/17Rna2u

<sup>&</sup>lt;sup>3</sup> Government of Italy, "Legislative Degree No. 150," Gazzetta Ufficiale della Repubblica Italiana, 27 October 2009, http://bit.ly/IIWDyj

# 2. Better Regulatory Framework against Corruption within the Public Administration

Measure aimed to ensure better market conditions for competition while promoting a reduction of public spending. Draft legislation provides for mandatory implementation of anti-corruption plans by all administrations, with the coordination of the Department for Public Administration, the designation of a person in charge of corruption prevention, the enhancement of a widespread network on the territory (namely Prefects) as a tool to support and provide information to local authorities and acting as an intermediary between the latter and the National Anti-corruption Authority.

Other provisions concern awards and anonymity for individuals reporting crimes against Public Administration (protection of whistleblowers), a rotation system for officials working in high-risk sectors, new incompatibility provisions and a better management of conflict of interests, enhanced transparency on assets of PA managers.

| conflict of interests, enhanced transparency on assets of PA managers. |  |  |  |                      |        |  |  |  |  |  |  |
|--|--|--|--|----------------------|--------|--|--|--|--|--|--|
| Coı  | mmitment Desc                                      | ription  |  |                      |        |  |  |  |  |  |  |
| lity   | Lead institution                                   | Department   | for Public                                 | Administratio        | on (DP | A)                                       |  |  |  |  |  |
| Answerability  | Supporting institutions                            | Department   | Department for Public Administration (DPA) |                      |        |  |  |  |  |  |  |
| Ansv   | Point of contact specified?                        | No   |  |                      |        |  |  |  |  |  |  |
| -  | cificity and<br>nsurability                        | Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.) |  |                      |        |  |  |  |  |  |  |
| ıce  | OGP grand challenges                               | None specifi   | ed   |                      |        |  |  |  |  |  |  |
| Relevance  | OGP Values   | Access to Informati on   | Civic<br>Partici<br>pation                 | Accounta<br>bility   |        | Tech & Innovation None for Trans. & Acc. |  |  |  |  |  |
|  |  |  |  |                      |        |  |  |  |  |  |  |
| Am   | bition   |  |  |                      |        |  |  |  |  |  |  |
| New  | vs. pre-existing                                   | Potential in   | npact                                      |                      |        |  |  |  |  |  |  |
| Pre-   | existing   | -  |  |                      |        | step forward in scale or scope.)         |  |  |  |  |  |
| Lev  | el of completio                                    | n  |  |                      |        |  |  |  |  |  |  |
| Star<br>N/A  | rt date:   | End date:  |  | Actual completion    | 1      | Complete                                 |  |  |  |  |  |
|  |  |  |  | Projected completion | 1      | No dates or mi<br>attached or inf        |  |  |  |  |  |
| Nex  | kt steps   |  |  |                      |        |  |  |  |  |  |  |
| New  | New commitment building on existing implementation |  |  |                      |        |  |  |  |  |  |  |

#### What happened?

This commitment's focus was the adoption of a new regulatory framework against corruption. In this respect the commitment was technically fulfilled by: an anticorruption law, Decree No. 190/2012 that was introduced in November 2012.¹ New provisions and requirements were introduced that should lead to greater transparency in service delivery, public procurement, conflict of interest, and civil servants performance.

The most relevant measures adopted include the following:

- Establishing: the Independent Commission for Evaluation, Integrity and Transparency (CiVIT) as the new national anti-corruption authority; according to the Law No. 125, approved by Parliament on the 29th of October 2013 the name CiVIT has been changed to: Anticorruption National Authority and for evaluation and transparency of public administrations (A.N.AC.)
- Developing a National Anti-Corruption Plan (NAP.A.P.) that defines and promotes standards and methodologies for implementating anti-corruption strategies;
- Substantially change the Code of Public Contracts, including:
  - Introducing the principle of rotation in the appointment of arbitrators for the resolution of disputes in which one party is a public authority, and
  - Greater transparency in the selection of the contractors;
- Introducing a Code of Conduct for Public Officials;
- Reorganising the rules related to: the obligations to:
  - Transparency and dissemination of information by public authorities, and
    - o Publishing all data, documents and information in open data formats;
- Introducing measures related to incompatibility and conflicts of interest;, and
- Introducing a specific mechanism to protect whistle-blowers.

#### Did it matter?

The commitment did not constitute a significant shift in government practice. The anticorruption initiatives that led to the new law were in place prior to its inclusion in the OGP action plan. However, the commitment provided Italy with a more consistent corruption- prevention framework in line with the standards required by several international organisations.<sup>2</sup> While this was seen by many stakeholders as a positive step, they were concerned about the lack of public consultation prior to the adoption of the law. Stakeholders also were concerned about, the capacity of the state to strengthen the provisions against corruption.

Additionally, stakeholders were also critical of the fact that the new law did not include any reward mechanism (or incentives) for whistle-blowers.

#### **Moving forward**

Given the limited results of anti-corruption initiatives over the last two decades, there is a problem of institutional credibility. The establishment of new bodies and rules against corruption should be complemented by efforts to renew the public's trust in government institutions.

To this end, the IRM researcher recommends this commitment be replaced by a new commitment to introduce a new, comprehensive access to information law similar to freedom of information acts. Internationally, access to information laws are recognised

as some of the most effective tools in preventing and fighting against corruption. The new commitment must specify clear targets and timelines.

 $<sup>^{1}</sup>$  Government of Italy, "Law No. 190," Ministry for Public Administration and Simplification, 6 November 2012, <u>http://bit.ly/17Rna2u</u>

 $<sup>^2</sup>$  Bruno Cova, "How Italy Has Toughened its Anti-Corruption Laws," Experts, Ethic Intelligence, October 2013, http://bit.ly/183da0W

### 3. Information System on the Status of Actions Falling Under the Unitary Regional Planning (OpenCoesione)

Setting up by the Ministry for Territorial Cohesion in agreement with the Ministry of Economic Development of an information system on the status of actions falling under the unitary regional planning (EU structural funds, national development and cohesion funds). We will therefore anticipate a Community regulation (which will become compulsory for the 2014-2020 programming period) requiring administrations to combine - for each measure undertaken - expected results with relevant indicators in terms of quality of life of citizens. By way of an example, results will be measured in terms of reduced travel time for travellers - and not kilometres of new railways - and knowledge acquired by students according to systematic survey methodologies instead of hours of training provided. This will entail a widespread and conscious evaluation on the side of beneficiaries.

|               | nmitment Desc               |                               |  |      | ,                 | ,      |                                   |           |  |  |
|---------------|-----------------------------|-------------------------------|--|------|-------------------|--------|-----------------------------------|-----------|--|--|
| Answerability | Lead institution            | -                             | Department for Economic Development and Cohesion, Ministry of Economic Development |      |                   |        |                                   |           |  |  |
| Answei        | Supporting institutions     | Department<br>Economic De     |  |      | Developm          | ent an | d Cohesion, Min                   | istry of  |  |  |
| 1             | Point of contact specified? | No                            |  |      |                   |        |                                   |           |  |  |
|               | cificity and<br>Isurability | High (Comm                    |  |      |                   |        | r, measurable, v                  | erifiable |  |  |
| ıce           | OGP grand challenges        | None specifi                  | None specified   |      |                   |        |                                   |           |  |  |
| Relevance     | OGP Values                  | Access to<br>Informati<br>on  | Access to Civic Accounta Tech & Inno Informati Partici bility for Trans. &         |      |                   |        |                                   |           |  |  |
|               |                             |                               |  |      |                   |        |                                   |           |  |  |
| Am            | bition                      |                               |  |      |                   |        |                                   |           |  |  |
| New           | vs. pre-existing            | Potential in                  | npact  |      |                   |        |                                   |           |  |  |
| Pre-          | existing                    |                               |  |      |                   |        | reform that count the relevant po |           |  |  |
| Lev           | el of completio             | n                             |  |      |                   |        |                                   |           |  |  |
| Star<br>N/A   | t date:                     | End date:                     |  |      | Actual completion |        | Complete                          |           |  |  |
| ,             |                             | Projected Complete completion |  |      |                   |        |                                   |           |  |  |
| Nex           | kt steps                    |                               |  |      |                   |        |                                   |           |  |  |
| New           | commitment buildir          | ng on existing                | implement  | atio | n                 |        |                                   |           |  |  |

#### What happened?

This commitment has been met. In 2012, the "OpenCoesione" initiative was launched with the publication of the beta version of a portal (www.opencoesione.gov.it).¹ The portal allows users to access and use detailed data in open data format as well as constantly updated information on over 650,000 projects, funded (in total, over 60 billion Euros of funded projects) through the European Structural Funds and other national cohesion policies. The website of the Department for Economic Development and Cohesion made data available on the territorial and financial context, including socio-economic variables for autonomous regions and provinces as well as information on resources allocated to cohesion policies. Additionally, the website published useful documents and tools to better understand available data and possibilities for reusing them. Data quality is also being enhanced through a structured dialogue with the several administrations (about 40 different administrative units across Italian regional governments and Ministries).

#### Did it matter?

Although this initiative existed prior to Italy's involvement in the OGP, its inclusion in the action plan set a standard. The OpenCoesione portal became a benchmark for all government departments to develop a coherent and consistent open government data policy, and it provided stakeholders and the government with a tool to foster transparency and citizen engagement on crucial issues.

Although it is still in its initial phase, and there is limited evidence on the use of the portal by diferent stakeholders. Nonetheless, it is an example - set by the OpenCoesione team- with the potential to radically move government practice forward. Since its launch, the portal had more than 400,000 visits and whole project datasets are downloaded by approximately 100 users each month.

Furthermore, the OpenCoesione team launched initiatives and training sessions to encourage the re-use of available data by journalists, civil society, researchers, and citizens. The OpenCoesione team also actively participated in several initiatives promoted by open data communities, not only to disseminate the initiative and to encourage data re-use, but also to develop a culture of openness and "co-planning" to meet the needs of the most important communities in the sector. For example, during the main events, reports and stories were presented in which OpenCoesione data was used for "civic monitoring" of pilot projects, including site visits of citizens to the funded facilities. The impetus and spirit of the project came from the Fabrizio Barca Minister for Territorial Cohesion (2011-2013). In 2009, the EU asked the Minister to write The opencoesione.gov.it was defined by the Minister as "a report on the reforms in cohesion policy. Subsequently, a report, called "The Barca Report," discussed reforming cohesion policy. OpenCoesione was described by the Minister as a "radical change of pace in communicating with citizens in a transparent and honest way. An indispensable tool for promoting greater participation."

#### **Moving forward**

Further work is needed to strengthen the impact and the extent of the initiative. The IRM researcher recommends, a new commitment should be included in the next action plan to publish data related to Structural Fund projects and Cohesion and Development Fund projects for the current programming period of 2007-2013 as well as for the previous 2000-2006 period. To this end, strengthening and broadening the network of public officials involved in the initiative should also be considered a priority.

<sup>&</sup>lt;sup>1</sup> Luigi Reggi, "'OpenCoesione' - Here It Comes the Wiki-Regional Policy," Blog, Regional Innovation Policy, 25 July 2012, http://bit.ly/1bi4zxs

<sup>&</sup>lt;sup>2</sup> Notre Europe, *The BARCA Report: A Spring Clean for Europe's Cohesion Policy* by Marjorie Jouen (Report, Paris, May 2009), http://bit.ly/1dYLi3P

<sup>&</sup>lt;sup>3</sup> Ministry of Economy and Finance of Italy, An Agenda for a Reformed Cohesion Policy: A Place-Based Approach to Meeting European Union Challenges and Expectations [The Barca Report] by Fabrizio Barca (Independent Report, Rome, April 2009), http://bit.ly/1cZVxAj

### 4. Cost Measurement and Reduction

The "Simplify Italy" Decree (early 2012) introduced an additional programme that confirms the commitment to cost measurement and reduction by consultation with citizens and business up until 2015. Consultation of relevant categories, besides simplifying existing regulation, also serves the purpose of streamlining future regulations: the Statute of Businesses (approved by Parliament at the end of 2011) provides for consultation of stakeholder organisations also in respect of new legislation in terms of ex-ante assessment of red tape impact of new regulations.

|               | ed tape impact of new<br>mmitment Desc |  |                                      |               |                                   |  |          |  |  |  |  |  |
|---------------|--|--|--------------------------------------|---------------|-----------------------------------|--|----------|--|--|--|--|--|
|               | Lead institution                       | Department for Public Administration   |                                      |               |                                   |  |          |  |  |  |  |  |
| Answerability | Supporting institutions                | Department   | Department for Public Administration |               |                                   |  |          |  |  |  |  |  |
| ł             | Point of contact specified?            | No   |                                      |               |                                   |  |          |  |  |  |  |  |
| _             | cificity and<br>asurability            | Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.) |                                      |               |                                   |  |          |  |  |  |  |  |
|               | OGP grand<br>challenges                | None specifi   | ed                                   |               |                                   |  |          |  |  |  |  |  |
| Relevance     | OGP Values                             | Access to<br>Informati<br>on   | Civic<br>Participa                   | ation         | Accounta<br>bility                | Tech &<br>Innovation<br>for Trans. &<br>Acc. | None     |  |  |  |  |  |
|               |  |  | $\sqrt{}$                            |               |                                   |  |          |  |  |  |  |  |
| Am            | bition                                 |  |                                      |               |                                   |  |          |  |  |  |  |  |
| Nev           | v vs. pre-existing                     | Potential in   | npact                                |               |                                   |  |          |  |  |  |  |  |
| Pre-          | existing                               |  |                                      |               | is a major step<br>ed in scale or | p forward in the scope.)                     | relevant |  |  |  |  |  |
| Lev           | vel of completio                       | n  |                                      |               |                                   | _  |          |  |  |  |  |  |
| Star<br>N/A   | rt date:                               | End date:  |                                      | Actua<br>comp | al<br>oletion                     | Limited                                      |          |  |  |  |  |  |
| 1,/11         |  | Projected No dates or mileston attached or inferable   |                                      |               |                                   |  |          |  |  |  |  |  |
| Ne            | xt steps                               |  |                                      |               |                                   |  |          |  |  |  |  |  |
| Furt          | ther work on basic im                  | plementation   |                                      |               |                                   |  |          |  |  |  |  |  |

#### What happened?

Given the low level of specificity of this commitment, its achievement is difficult to measure.

The text of the commitment does not define the beneficiaries of the cost-reducing actions.

According to Italy's self- assessment report, the commitment has been achieved by setting up four specific online consultations (discussed below). These consultation were largely carried out prior to Italy's first action plan, and were in line with Italy's obligations at the EU level to achieve the target of reducing administrative costs by 25 per cent, by 2012.

The first online consultation was called "Burocrazia: Diamoci un Taglio" (Bureaucracy: Lets Cut It). A platform launched in 2010 that ended on 31 August 2013. This platform allowed citizens and businesses to report red-tape issues as well as propose solutions. A total of 2,142 contributions were received.

The second consultation was part of the government's Programme to Measure and Reduce Administrative Costs between 2010-2012.

The third consultation was called "Semplifica PA. Libera le risorse" (Simplify Public Administration and Free- Up Resources), carried out by the Department for Public Administration between 19 October and 18 December 2012. Although the government counted the latter as a public consultation with citizens and private sector, it exclusively targeted civil servants with the aim of identifying the most expensive administrative procedures. A total of 221 responses were received.<sup>1</sup>

There also was an ongoing public consultation, - featured in Italy's self-assessment report- that ran from October 2013 to December 2013 called, "100 Procedure da Semplificare" (100 Procedures to Be Simplified). The consultation aimed to identify the first 100 procedures in need of simplification by asking businesses and citizens to fill out two questionnaires.<sup>2</sup>

#### Did it matter?

These consultations existed prior to Italy's involvement in the OGP. Thus, this commitment's inclusion in the action plan did not stretch the government beyond the baseline. Furthermore, it did not motivate the government to radically transform the way it normally consults with the public.

According to civil society's independent assessment of Italy's action plan, the government failed to provide essential information on methodology and selection of stakeholders involved, and no relevant consultations took place.

#### **Moving forward**

The government acknowledged that public consultations play a central role in improving regulations in important areas. Given the lack of public consultations, further work is needed on the basic implementation of this commitment. If the government includes this commitment in the next action plan, the IRM researcher recommends several actions to improve the consultation process and the quality of its outcomes:

- Openthe decision -making process to a wide range of stakeholders;
- Provideclear indications on whether and how the outcomes will be taken into account by policy-makers responsible for implementation;
- Inform stakeholders in advance of an opportunity to take part in a consultation;
- Grant stakeholders access to government-held information relevant to the topics under scrutiny and discussion prior to consultation; and

• Consider adopting a single platform in order to improve the government consultation process.

<sup>&</sup>lt;sup>1</sup> Ministry for Public Administration and Simplification, *Simplify Public Administration and Free-Up Resources* (Report on online consultation results, Italy, December 2012), [Italian] http://bit.ly/17N0EWg

<sup>&</sup>lt;sup>2</sup> Ministry for Public Administration and Simplification, "Simplify Public Administration and Free-Up Resources, The Ideas and Proposals of Civil Servants to Simplify PA," Government of Italy, http://bit.ly/IoXRJb

# 5. How to...(Initiative to Promote Transparency on Public Authority's Websites)

Initiative that promotes transparency on PA's websites in respect of all information on service provision and administrative procedures. A Directive of the Minister for Public Administration and Simplification (expected for the first half of 2012) will indicate publication modalities - in a dedicated section directly accessible from the homepage of each administration (identified by the logo "How to..." - of explanatory detailed sheets on relevant services and proceedings. Citizens will be provided with direct access to each administration, thereby avoiding first-hand information procedures ("how to obtain that specific document?")

|                                       | rific document?")           |  |                            |                    |   |             |  |  |  |
|---------------------------------------|-----------------------------|--|----------------------------|--------------------|---|-------------|--|--|--|
| COI                                   | mmitment Desc               | ription  |                            |                    |   |             |  |  |  |
| ability                               | Lead institution            | Department for Public Administration (DPA)   |                            |                    |   |             |  |  |  |
| Answerability                         | Supporting institutions     | Department for Public Administration (DPA)   |                            |                    |   |             |  |  |  |
| 1                                     | Point of contact specified? | No   |                            |                    |   |             |  |  |  |
|                                       | cificity and<br>asurability | Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.) |                            |                    |   |             |  |  |  |
|                                       | OGP grand challenges        | None specified   |                            |                    |   |             |  |  |  |
| Relevance                             | OGP Values                  | Access to<br>Information   | Civic<br>Participa<br>tion | Accounta<br>bility | Tech &<br>Innovation for<br>Trans. & Acc. | None        |  |  |  |
| R                                     |                             | $\sqrt{}$  |                            |                    |   |             |  |  |  |
| Am                                    | bition                      |  |                            |                    |   |             |  |  |  |
| New vs. pre-existing Potential impact |                             |  |                            |                    |   |             |  |  |  |
| Pre-                                  | existing                    | Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)                        |                            |                    |   |             |  |  |  |
| Lev                                   | vel of completio            | n  |                            |                    |   |             |  |  |  |
| Start date:<br>N/A                    |                             | End date:  | Actual com                 | npletion           | Not started                               | Not started |  |  |  |
|                                       |                             | N/A  | Projected completion       |                    | Substantial                               |             |  |  |  |
| Next steps                            |                             |  |                            |                    |   |             |  |  |  |
| Revi                                  | ision of the commitm        | ent to be more a   | chievable or               | measurable         |   |             |  |  |  |

#### What happened?

This commitment has not been achieved. However, according to Italy's self-assessment report, the general intention of promoting transparency has been achieved with the introduction of the Transparency Decree (Legislative Decree No. 33 of 2013). The Transparency Decree is, a comprehensive legal framework establishing a general principle of transparency and making accessible the information regarding the organisation and the activities of the government. According to the government's self-assessment report, the new regulation aligned Italy with the principles of freedom of information laws.

CSOs and experts interviewed by the IRM researcher strongly disagreed with the government's assessment. According to CSOs and experts, while the Transparency Decree introduced provisions for more proactive transparency on some aspects of the procedures and activities of the government, it should not be considered equivalent to a freedom of information law.<sup>1</sup>

Also, there is an important distinction between a law, which allows access to information, and public administration policies and measures, which actively make the public administration and bureaucratic systems and procedures more penetrable by the public. Even if the law could be viewed as equivalent to a Freedom of Information (FoI) law, in practice a FoI law is much more transformative if accompanied by implementation measures such as this commitment (i.e. 'How to…').

#### Did it matter?

According to pre-existing regulations, information on how to access public services should be available publicly on the websites of all government departments, other agencies, and public bodies. In this context, the commitment did not stretch government activities beyond the baseline.

#### **Moving forward**

As a consequence of these findings, the IRM researcher recommends significant revisions to the exisiting commitment:

- Reformulate the commitment so that the proposed activities for its implementation are clearly articulated, identifiable and, therefore, measurable.
- Next, consider appointing a single point of contact for citizens who need information on how to access public services.

<sup>1</sup> "Consultazione sul Documento di Autovalutazione Action Plan OGP Italia 2012," Open Government Partnership Italia, [Italian] http://commenta.formez.it/ch/ogp/

# 6. Quantitative and Qualitative Development of Relations with Citizens and PA Stakeholders

Promotion of implementation of Legislative Decree n. 150/2009, which provides for a quantitative and qualitative development of relations with citizens, stakeholders, users and service beneficiaries, with particular emphasis on citizen empowerment initiatives aimed at increasing quality of interaction and dialogue among citizens, stakeholders and public entities.

| entities.  |   |                                |                             |   |      |  |  |  |
|--|---|--------------------------------|-----------------------------|---|------|--|--|--|
| Commitment Description   |   |                                |                             |   |      |  |  |  |
| Lead institution   | N/A   |                                |                             |   |      |  |  |  |
| Supporting institutions  | N/A   |                                |                             |   |      |  |  |  |
| Point of contact specified?  | No  |                                |                             |   |      |  |  |  |
| Specificity and measurability  None (Commitment language contains no verifiable deliverable milestones.) |   |                                |                             |   |      |  |  |  |
| OGP grand challenges   | Improving Public Services   |                                |                             |   |      |  |  |  |
| OGP Values   | Access to<br>Informati<br>on  | Civic<br>Parti<br>cipat<br>ion | Accountability              | Tech &<br>Innovation for<br>Trans. & Acc.   | None |  |  |  |
|  |   |                                |                             |   |      |  |  |  |
| Ambition   |   |                                |                             |   |      |  |  |  |
| New vs. pre-existing Potential impact  |   |                                |                             |   |      |  |  |  |
| Pre-existing   | Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.) |                                |                             |   |      |  |  |  |
| Level of completion  | n   |                                |                             |   |      |  |  |  |
| Start date:  | End date:<br>N/A  |                                | Actual completion   Limited |   |      |  |  |  |
| NA   |   |                                | Projected completion        | No dates or milestone attached or inferable |      |  |  |  |
| Next steps   |   |                                |                             |   |      |  |  |  |
| Revision of the commitment to be more achievable or measurable   |   |                                |                             |   |      |  |  |  |

#### What happened?

According to the government's self-assessment report, in 2012 and during the first semester of 2013, the government set up initiatives to support citizen listening and promoted participation methodologies. In particular, over 100 customer satisfaction management projects were carried out as part of the MiglioraPA project.¹ For example, the online tool "Mettiamoci La Faccia" provided users with the opportunity to rate public services by using emoticons. According to the government's figures, around 1.4 million evaluations were registered between January and May 2013, involving more than 1000 public administrations.

#### Did it matter?

This commitment did not stretch government practice beyond the baseline. The text of the commitment failed to specify any measurable activities that provided clear evidence of its implementation. Furthermore, the initiatives mentioned in the self-assessment report were already in place prior to the development of the action plan. The commitment did not stretch government practice beyond the baseline.

#### **Moving forward**

The IRM researcher recommends a significant revision of the commitment so that activities related to its implementation are identifiable and, therefore, measurable. The commitment in this current form does not relate to an OGP value. To improve public participation and citizen engagement, the government should do the following:

- Devise startegies to consult widely with different stakeholders.
- Aim to draft guidelines and proposals collectively.
- Develop new public consultation processes and tools.

<sup>1</sup> Quality of Public Administration, "Iniziative, MiglioraPA," Department of Civil Service, [Italian] http://www.qualitapa.gov.it/iniziative-in-corso/migliorapa/

### 7. Facilitate Publication and Re-use of Public Data

Amending national legislation to incorporate provisions to facilitate publication and reuse of public data, including through the definition of automated processes (eg. "open by default")

| _default")   |                             |  |                            |                    |  |  |  |  |  |
|--|-----------------------------|--|----------------------------|--------------------|--|--|--|--|--|
| Commitment Description                             |                             |  |                            |                    |  |  |  |  |  |
| ability  | Lead<br>institution         | Department for Public Administration (DPA)   |                            |                    |  |  |  |  |  |
| Answerability                                      | Supporting institutions     | Department for Public Administration (DPA)   |                            |                    |  |  |  |  |  |
| ł  | Point of contact specified? | No   |                            |                    |  |  |  |  |  |
| Specificity and measurability                      |                             | Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.) |                            |                    |  |  |  |  |  |
| ce   | OGP grand challenges        | None specified   |                            |                    |  |  |  |  |  |
| Relevance  | OGP Values                  | Access to Information  | Civic<br>Partici<br>pation | Accounta<br>bility | Tech &<br>Innovation f<br>Trans. & Acc |  | None   |  |  |
|  |                             |  |                            |                    |  |  |  |  |  |
| An   | nbition                     | <u> </u>   |                            |                    |  |  |  |  |  |
| New vs. pre-existing Potential impact              |                             |  |                            |                    |  |  |  |  |  |
| Pre-existing                                       |                             | Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)                        |                            |                    |  |  |  |  |  |
| Level of completion                                |                             |  |                            |                    |  |  |  |  |  |
| Start date:  |                             | End date:  |                            | Actual co          | Actual completion                      |  | Complete                                     |  |  |
| N/A  |                             | N/A  |                            |                    |  |  |  |  |  |
|  |                             |  |                            | -                  | Projected completion                   |  | No dates or milestones attached or inferable |  |  |
| Next steps   |                             |  |                            |                    |  |  |  |  |  |
| New commitment building on existing implementation |                             |  |                            |                    |  |  |  |  |  |
| <u> </u>   |                             |  |                            |                    |  |  |  |  |  |

#### What happened?

The commitment was met when the government introduced the Legislative Decree No. 179/2012. The Decree includes new regulations to facilitate the dissemination of open government practices. The Decree also makes it easier to access and to share public data by introducing the "open by default" principle. Unless otherwise established by the law, since 18 March 2013 government data must be released in open format along with the appropriate licensing conditions.

Furthermore, the Decree defined open data as data that can be re-used for commercial purposes, and that it must be accessible free of charge.

In addition, public departments at all levels of government have to set up a dedicated section on their websites to publish data, datasets, and the rules on data re-use. However CSOs at the IRM stakeholder forum pointed out that, none of the provisions extend the mandate to new datasets. Instead, they are limited to datasets related to the Transparency Decree No. (33/2013).

Public administrations commissioning products or services are also required to collect and enable access to data, metadata, grids, and databases developed during the process. Public management performance was to be assessed against the activities carried out to ensure online access rights and public data re-use. All activities of public authorities are assessed to ensure online access rights and public data re-use. In the IRM researcher's opinion, the phrase "public management performance" was not translated properly into English. It should be translated as a general principle. Public officials' performance should be assessed, by taking into consideration their effort and activities carried out to ensure online access rights and public data reuse. It implies that each government department carries out this performance assessment.

#### Did it matter?

The official proposals to publish and re-use public data by the "open by default principle" existed before the commitment was incorporated into the action plan. The Operative Guidelines were adopted in July 2013.

Stakeholders were critical of the lack of vision, strategy, investment, and the absence of a clear plan to prioritise datasets based on public interest. The stakeholders suggested including a stronger commitment that ensures mandatory release of all public data.<sup>1</sup>

#### **Moving forward**

According to these findings, if this commitment is to be included in the next action plan, the IRM researcher recommends the government should consider the following:

- Applying the "open by default" principle to all data already published, including data not in non open data format;
- Developing a dataset release plan in consultation with civil society and private sector; and
- Setting clear timelines on disclosure of relevant datasets.

<sup>&</sup>lt;sup>1</sup> "Consultazione sul Documento di Autovalutazione Action Plan OGP Italia 2012," Open Government Partnership Italia, [Italian] http://commenta.formez.it/ch/ogp/

## 8. Enhancing the National Open Data Portal (www.dati.gov.it)

Enhancing the national open data portal www.dati.gov.it

|  | ancing the national o <sub>l</sub><br>mmitment Desc | <u>.</u>   | ww.uuti.gov.               | u               |  |      |  |  |  |
|--|---|--|----------------------------|-----------------|--|------|--|--|--|
|  | Lead institution                                    | Department of Public Administration (DPA)  |                            |                 |  |      |  |  |  |
| Answerability  | Supporting institutions                             | Centre of Services, Assistance, Studies and Training for Modernizing Public Administrations (FormezPA)                               |                            |                 |  |      |  |  |  |
|  | Point of contact specified?                         | No   |                            |                 |  |      |  |  |  |
| _  | cificity and<br>asurability                         | Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.) |                            |                 |  |      |  |  |  |
|  | OGP grand challenges                                | None specified   |                            |                 |  |      |  |  |  |
| Relevance  | OGP Values  | Access to<br>Information   | Civic<br>Participa<br>tion | Accountab ility | Tech & Innovation for Trans. & Acc.          | None |  |  |  |
|  |   | $\sqrt{}$  |                            |                 |  |      |  |  |  |
| Am   | ibition   | Г  |                            |                 |  |      |  |  |  |
| Nev  | v vs. pre-existing                                  | Potential impa   | ct                         |                 |  |      |  |  |  |
| Pre-existing   |   | Minor (The commitment is an incremental but positive step in the relevant policy area.)  |                            |                 |  |      |  |  |  |
| Level of completion  |   |  |                            |                 |  |      |  |  |  |
| Star<br>N/A  | rt date:  | End date:  | Actual completion          |                 | Limited                                      |      |  |  |  |
| N/A  |   | .,,,,,   | Projected completion       |                 | No dates or milestones attached or inferable |      |  |  |  |
| Ne   | xt steps  |  |                            |                 |  |      |  |  |  |
| Revision of the commitment to be more achievable or measurable |   |  |                            |                 |  |      |  |  |  |

#### What happened?

The text of this commitment is not specific enough to assess if the commitment has been achieved. Nonetheless, the government's self-assessment report affirmed partial implementation through a series of activities, including the following:

- Twenty-nine webinars on open data and government: The webinars were carried out between February 2012 and April 2013. Over 2,000 users attended these online seminars;
- Automatic collection and cataloguing system of data: The collection and cataloguing system was implemented to release data that Italian public administrations published in the catalogues of regions, cities and central administrations.; and
- Increased number of datasets catalogued in the portal (Dati.gov.it): Although the portal increased the number of datasets however, the total number of datasets available is still limited.<sup>1</sup>

Stakeholders interviewed confirmed that the government took some action, but they were largely critical of the lack of initiatives to determine how to prioritise the release of public interest datasets.

#### Did it matter?

According to CSOs organisations interviewed by the IRM researcher, the open data portal is one of the most promising initiatives so far. However, given its budget constraints, the scope and scale of the portalits actions is limited. If it were supported with adequate resources, the portal could be a significant shift in the way government uses open data.

#### **Moving forward**

The IRM researcher recommends that the commitment should be reformulated with clear milestones and timelines. Currently, any minor development or release of datasets could be interpreted as having enhanced the portal.

Based on the results achieved so far, the IRM researcher recommends strengthening the capacity of the portal in order to scale it up, and making it the central portal for releasing and accessing public interest datasets.

<sup>&</sup>lt;sup>1</sup> Open Data Institute and the World Wide Web Foundation, *Open Data Barometer: 2013 Global Report* by Tim Davies (Report, United States, 2013), http://bit.ly/1c5qnLe

# 9. Promoting National Open Data Standards

promoting National standards for open data, to be defined in line with the perspective pan-European open data portal

|               | mmitment Desc               |  |                            |                      |     |  |      |
|---------------|-----------------------------|--|----------------------------|----------------------|-----|--|------|
| ability       | Lead institution            | Agency for Digital Italy (AgID)  |                            |                      |     |  |      |
| Answerability | Supporting institutions     | Agency for D   | igital Italy               | (AgID)               |     |  |      |
| 7             | Point of contact specified? | No   |                            |                      |     |  |      |
|               | cificity and<br>asurability | Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.) |                            |                      |     |  |      |
|               | OGP grand challenges        | None specified   |                            |                      |     |  |      |
| Relevance     | OGP Values                  | Access to<br>Informati<br>on   | Civic<br>Partici<br>pation | Accounta<br>bility   |     | & Innovation rans. & Acc.                    | None |
| I             |                             | $\sqrt{}$  |                            |                      |     |  |      |
| Am            | bition                      |  |                            |                      |     |  |      |
| New           | v vs. pre-existing          | Potential in   | npact                      |                      |     |  |      |
| Pre-          | existing                    |  |                            |                      |     | reform that count the relevant po            |      |
| Lev           | vel of completio            | n  |                            |                      |     |  |      |
| Star          | rt date:                    | End date:  |                            | Actual               |     | Limited                                      |      |
| N/A           |                             | N/A  |                            | Projected completion |     | No dates or milestones attached or inferable |      |
| Next steps    |                             |  |                            |                      |     |  |      |
| Rev           | ision of the commitm        | ent to be more   | e achievab                 | le or measura        | ble |  |      |

## What happened?

Limited progress made towards meeting this commitment. The government's self-assessment report also confirmed partial implementation.

To promote the adoption of digital technologies and open data standards across the country, Italy introduced Legislative Decree No. 179/2012, which established a new institution called the Agenzia per l'Italia Digitale (AgID) [Agency for Digital Italy].

According to Italy's self-evaluation report, AgID's main tasks include facilitating information-sharing among public agencies and departments, promoting innovation in public services, administrative transparency, cooperation between the public and private sector and the accountability of economic actors.

AgID adopted guidelines on the use of government data in July 2013.¹ According to AgID, public administrations were required to embark on a standardised and nationally interoperable process to produce and release public data by proposing operational and organisational models identifying technical standards and best practices issuing recommendations on costs and licences.

#### Did it matter?

Stakeholders questioned the way the government focused on developing national standards and, to ensure greater interoperability, called for the government to adopt international standards.

Since the guidelines were not implemented at the time of this report, potential outcomes remain unclear. Stakeholders expressed the need for a stronger commitment, which should be developed with the engagement of the private sector.<sup>2</sup>

## **Moving forward**

The IRM researcher suggests the commitment could be reformulated with clear milestones for the development and finalisation of guidelines and standards. Wide consultation with civil society and the private sector also should be considered.

<sup>&</sup>lt;sup>1</sup> "Usability of the Data of the PA," public data, Digit PA, 1 August 2013, http://archivio.digitpa.gov.it/fruibilita-del-dato

<sup>&</sup>lt;sup>2</sup> "Consultazione sul Documento di Autovalutazione Action Plan OGP Italia 2012," Open Government Partnership Italia, [Italian] http://commenta.formez.it/ch/ogp/

# 10. National Open Data Contest

promoting an annual National contest for creative re-use of public data.

|                                      | mmitment Desc               |   | 2. 3. 340.70               | . s ass of patri                    |   |           |  |
|--------------------------------------|-----------------------------|---|----------------------------|-------------------------------------|---|-----------|--|
| ability                              | Lead institution            | Department of Public Administration (DPA) |                            |                                     |   |           |  |
| Answerability                        | Supporting institutions     |   |                            | istance, Studie<br>s (FormezPA)     | s and Training for Mo                           | dernizing |  |
| 7                                    | Point of contact specified? | No  |                            |                                     |   |           |  |
|                                      | cificity and<br>asurability | ,   | verifiable, l              | 0 0                                 | cribes an activity that ontain specific milesto |           |  |
| e                                    | OGP grand challenges        | None specified                            |                            |                                     |   |           |  |
| Relevance                            | OGP Values                  | Access to<br>Informati<br>on              | Civic<br>Partici<br>pation | Accounta bility                     | Tech & Innovation for Trans. & Acc.             | None      |  |
|                                      |                             | V   |                            |                                     |   |           |  |
| Am                                   | bition                      |   |                            |                                     |   |           |  |
| New                                  | v vs. pre-existing          | Potential in                              | npact                      |                                     |   |           |  |
| Pre-                                 | existing                    |   |                            | tment is a majo<br>is limited in sc | or step forward in the ale or scope.)           | relevant  |  |
| Lev                                  | vel of completio            | n   |                            |                                     |   |           |  |
| Start date:                          |                             | End date:                                 |                            | Actual completion                   | Not started                                     |           |  |
| N/A                                  |                             | IV/A                                      |                            | Projected Complete completion       |   |           |  |
| Next steps                           |                             |   |                            |                                     |   |           |  |
| Further work on basic implementation |                             |   |                            |                                     |   |           |  |

# What happened?

This commitment to organise an annual contest was not met. It was based on a previous initiative sponsored by the government, to promote the use of open government data.<sup>1</sup>

Italy's self-assessment report states that local authorities launched several contests to develop apps using open government data. However, these were autonomous initiatives already in place that did not stretch government activities beyond the baseline.

There is no evidence that the new national contest will be launched again.

#### Did it matter?

According to CSOs, this commitment is considered the most relevant of all commitments. Its fulfillment would enable Italy to reduce the gap in its educational opportunities to empower citizens to hold government accountable through digital technologies and open data. Large scale contests could demonstrate the economic and social value of open data, engage citizens, and promote a culture of openness and collaboration.

#### **Moving forward**

The IRM researcher recommends further work on the basic implementation of this commitment. If this commitment is included in the next action plan, the government should consider investing adequate resources in organising a series of open data contests in different parts of the country, on a regular basis. In the opinion of the IRM researcher, these open data contests could do the following:

- Focus on public interest issues;
- Involve a wide range of communities and constituencies;
- Be organised in different parts of the country;
- Inform citizens:
- Develop and experiment with new ways for the public to participate, for the government to and provide access to information, and for citizens to hold the government accountable.

Without proper access to information, citizens cannot make informed decisions. A clear commitment by the government to act upon the results of these large-scale initiatives could help restore public trust in government.

<sup>1</sup> Editorial, "Forum PA: The Award Apps4Italy Named to Melissa Holland and to Victims of Brindisi," Article, Forum PA, 19 May 2012, http://www.appsforitaly.org/en/

# 11. Preparation of the National Plan for Smart Communities

Preparation of the National Plan for smart communities

| ттер                                 | aration of the Nation       | ar ran jor sin               | art commu   | IIICICS                         |           |                                   |           |  |
|--------------------------------------|-----------------------------|------------------------------|---|---------------------------------|-----------|-----------------------------------|-----------|--|
| Commitment Description               |                             |                              |   |                                 |           |                                   |           |  |
| lity                                 | Lead institution            | Ministry of E                | Ministry of Education, Universities and Research (MIUR) |                                 |           |                                   |           |  |
| Answerability                        | Supporting institutions     | Ministry of E                | Education,  | Universities a                  | nd Res    | earch (MIUR)                      |           |  |
| Ans                                  | Point of contact specified? | No                           |   |                                 |           |                                   |           |  |
|                                      | cificity and<br>surability  | • •                          |   | guage provide<br>ment of the go |           | r, measurable, v                  | erifiable |  |
| <b>.</b>                             | OGP grand<br>challenges     | None specifi                 | None specified  |                                 |           |                                   |           |  |
| Relevance                            | OGP Values                  | Access to<br>Informati<br>on | Civic<br>Partici<br>pation                              | Accounta<br>bility              |           | & Innovation rans. & Acc.         | None      |  |
|                                      |                             | $\sqrt{}$                    |   |                                 | $\sqrt{}$ |                                   |           |  |
| Am                                   | bition                      |                              |   |                                 |           |                                   |           |  |
| New                                  | vs. pre-existing            | Potential in                 | npact   |                                 |           |                                   |           |  |
| Pre-                                 | existing                    |                              | •   |                                 |           | reform that count the relevant po |           |  |
| Lev                                  | el of completio             | n                            |   |                                 |           |                                   |           |  |
|                                      | t date:                     | End date:                    |   | Actual completion               |           | Limited                           |           |  |
| N/A                                  |                             | N/A                          |   | Projected completion            |           | Complete                          |           |  |
| Next steps                           |                             |                              |   |                                 |           |                                   |           |  |
| Further work on basic implementation |                             |                              |   |                                 |           |                                   |           |  |
| r                                    |                             |                              |   |                                 |           |                                   |           |  |

#### What happened?

This commitment was partially implemented. On 23 October 2012, the Agency for Digital Italy (AgID) published a document "Architettura per le Comunità Intelligenticomunità intelligenti," (Smart Communities' communities' Architecture). It includes a vision and recommendations for the national plan.

#### Did it matter?

A national plan for smart communities that incorporated opportunities for informationsharing and collaboration, improved service delivery, and making access to technology more equitable and affordable, embodied the potential to foster the OGP value of innovation and technology for openness and accountability (one of OGP's values). However, no significant steps were taken to develop the plan. At the time of writing this report, stakeholders interviewed by the IRM researcher confirmed that no such plan had been adopted.

# **Moving forward**

If the government includes this commitment in the next action plan, the IRM researcher recommends it must be reformulated as, "Development and finalisation of a strategic plan for smart communities." The new comitment should have clear timelines and targets that enable assessment of future progress.

<sup>&</sup>lt;sup>1</sup> Agenzia per l'Italia Digitale, *Architettura per le Comunità Intelligenti* (Report, Roma, 2012): http://bit.ly/1fhTywk

# 12. Public Consultation on New Policies and New Legislations

Use new public consultation methods to choose new policies and legislations

|  | nmitment Desc               |  |                                      | p c           | 110105 01110                                |   |          |  |
|--|-----------------------------|--|--------------------------------------|---------------|---|---|----------|--|
| Lead institution Ministry of Education, Universities and Research (MIUR)   |                             |  |                                      |               |   |   |          |  |
| Supporting institution  Ministry of Education, Universities and Research (  Ministry of Education, Universities and Research (  institutions  Point of contact  No |                             |  |                                      |               |   |   |          |  |
| Ans  | Point of contact specified? | No   |                                      |               |   |   |          |  |
|  | cificity and<br>surability  | Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.) |                                      |               |   |   |          |  |
|  | OGP grand challenges        | Public Partic  | Public Participation                 |               |   |   |          |  |
| Relevance  | OGP Values                  | Access to<br>Informati<br>on   | nformati Partici bility for Trans. & |               |   |   | None     |  |
| R  |                             |  | $\sqrt{}$                            |               |   |   |          |  |
| Am   | bition                      |  |                                      |               |   |   |          |  |
| New  | vs. pre-existing            | Potential in   | npact                                |               |   |   |          |  |
| Pre-   | existing                    | •  |                                      |               |   | jor step forward in the cale or scope.) | relevant |  |
| Lev  | el of completio             | n  |                                      |               |   |   |          |  |
| Star<br>N/A  | t date:                     | End date:  |                                      | Actua<br>comp | l<br>letion                                 | Limited                                 |          |  |
| 14/11  |                             | <b>Projected</b> No dates or mile  |                                      |               | No dates or milestone attached or inferable | es.                                     |          |  |
| Nex  | rt steps                    |  |                                      |               |   |   |          |  |
| Revision of the commitment to be more achievable or measurable   |                             |  |                                      |               |   |   |          |  |

## What happened?

The text of the commitment makes it difficult to assess the nature of the commitment's implementation. It is unclear whether it is a plan, or an action, or both.

The self-assessment report indicates that the government undertook several initiatives. In particular, a platform (partecipa.gov.it) increased the number of participants in several on-line public consultations.

#### Did it matter?

Several consultations with citizens in respect of new policies and new legislation were carried out by using the platform (partecipa.gov.it). According to the self-assessment

report, 550,000 comments were received during the consultation on the government's spending review. Italy's self-assessment report also states that the platform is expected to become a "landmark for citizens and institutions for all centrally managed participation initiatives." <sup>1</sup>

While CSOs interviewed by the IRM researcher welcomed these consultations on platforms like partecipa.gov.it, they also expressed the need for more clarity on methodologies, guidelines, and policies on how the policy-makers will act on the feedback from such consultations. Stakeholders said that, while the platform partecipa.gov.it represents a positive step forward, it is still too early to say that it constituted a significant shift in the way the government consults with the public. The IRM researcher concurred with the opinion of CSOs and that it is also relevant to examine how inclusive the consultations are, given that not all citizens interact online.

#### **Moving forward**

The IRM recommends that this commitment be reformulated with clear timelines and targets for its implementation.

Given the key role of public consultation acknowledged by the government in this commitment, if the commitment is included in the next action plan, the consultation process and the quality of its outcomes can be significantly improved. The IRM researcher recommends the following:

- Draft comprehensive guidelines and methodologies;
- Identify clear indicators, in particular, whether and how the proposed outcomes will be taken into account by policy-makers responsible for implementation;
- Inform stakeholders in advance of opportunities to take part in consultations;
- Prior to consultations, provide access to stakeholders to government-held information relevant to the topics under scrutiny and to be discussed;
- Use new public partitic pation techniques including focus groups, deliberative polling, and citizen advisory committees.<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> Department of Public Administration, *Open Government Partnership Self-Evaluation of the Italian Action Plan* by the Government of Italy (Report, Rome, September 2013), 26, <a href="http://bit.ly/1drmfbl">http://bit.ly/1drmfbl</a>

 $<sup>^2</sup>$  "IAP2 Spectrum of Public Participation," International Association for Public Participation, http://bit.ly/1934QP3

# 13. Enhancing Participation and Collaboration in Territorial **Innovative Actions**

| Enhancing participation and collaboration in territorial innovative actions |                                 |                                |                                   |   |             |  |  |
|---|---------------------------------|--------------------------------|-----------------------------------|---|-------------|--|--|
| Commitment Description  |                                 |                                |                                   |   |             |  |  |
| Lead institution  | N/A                             |                                |                                   |   |             |  |  |
| Supporting institutions  Point of contact                                   | N/A                             |                                |                                   |   |             |  |  |
| Point of contact specified?   | No                              |                                |                                   |   |             |  |  |
| Specificity and measurability   | None (Co                        | ~                              | age contains no                   | verifiable deliver                        | ables or    |  |  |
| OGP grand challenges  | Public pa                       | Public participation           |                                   |   |             |  |  |
| Selevance OGP Values  | Access<br>to<br>Inform<br>ation | Civic<br>Participation         | Accountab ility                   | Tech &<br>Innovation for<br>Trans. & Acc. | None        |  |  |
|   |                                 |                                |                                   |   |             |  |  |
| Ambition  |                                 |                                |                                   |   |             |  |  |
| New vs. pre-existing  | Potentia                        | l impact                       |                                   |   |             |  |  |
| New   |                                 | he commitment is policy area.) | s an incrementa                   | al but positive step                      | p in the    |  |  |
| Level of completion   | n                               |                                |                                   |   |             |  |  |
| Start date:<br>N/A  | End date                        | End date:                      |                                   | Not started                               | Not started |  |  |
| NA  | N/A                             |                                | Projected No dates of attached or |   |             |  |  |
| Next steps  |                                 |                                |                                   |   |             |  |  |
| None: Abandon commitment.   |                                 |                                |                                   |   |             |  |  |

## What happened?

The self-assessment is silent on the progress made on this commitment. Stakeholders interviewed by the IRM researcher were frustrated by the lack of focus and vision that the text of the commitment revealed.

#### Did it matter?

The text of the commitment was vague and made its assessment impossible. For example, it was unclear from the original text whether the comitment was intended as a plan, an action, or both. Relevance for Italy's commitment to OGP could be better assessed given specific targets and timelines as well, such as more information on the nature of innovative actions the government aimed to undertake.

# **Moving forward**

The IRM researcher recommends that this commitment be abandoned as it currently is too vague and does not allow any reformulation. A new commitment could be adopted. It should clearly articulate the proposed activities and set specific timelines and targets that can be identified and measured.

# 14. Opening Up of New Areas for Public Service Development and Delivery

Opening up of new areas for public service development and delivery

| Opening up of new areas for public service development and delivery |                             |                              |  |                         |          |                           |          |
|---|-----------------------------|------------------------------|--|-------------------------|----------|---------------------------|----------|
| Coı   | nmitment Desc               | ription                      |  |                         |          |                           |          |
| lity  | Lead institution            | N/A                          |  |                         |          |                           |          |
| Answerability   | Supporting institutions     | N/A                          | N/A  |                         |          |                           |          |
| Ansv  | Point of contact specified? | No                           |  |                         |          |                           |          |
|   | cificity and<br>Isurability | None (Comn<br>milestones.)   |  | nguage contai           | ns no v  | verifiable deliver        | ables or |
|   | OGP grand challenges        | None                         |  |                         |          |                           |          |
| Relevance   | OGP Values                  | Access to<br>Informati<br>on | Civic<br>Partici<br>pation   | Accounta<br>bility      |          | & Innovation rans. & Acc. | None     |
| R   |                             |                              |  |                         |          |                           |          |
| Am  | bition                      |                              |  |                         |          |                           |          |
| New   | vs. pre-existing            | Potential in                 | npact  |                         |          |                           |          |
| New   | 7                           | None (The c                  | ommitmer   | nt maintains tl         | ne stati | us quo.))                 |          |
| Lev   | el of completio             | n                            |  |                         |          |                           |          |
| Star  | t date:                     | End date:                    |  | Actual                  |          | Not started               |          |
| N/A   |                             | N/A                          |  | completion<br>Projected |          | N. I. d. The              |          |
|   |                             |                              | Projected<br>completionNo dates or milestones<br>attached or inferable |                         |          |                           |          |
| Next steps  |                             |                              |  |                         |          |                           |          |
| Abandon commitment, and adopt a new one.                            |                             |                              |  |                         |          |                           |          |
|   |                             |                              |  |                         |          |                           |          |

## What happened?

The self-assessment report is silent on the progress of this commitment. Stakeholders interviewed were frustrated by the lack of focus and vision that the text of the commitment reveals.

#### Did it matter?

The text of the commitment was vague and made its assessment impossible. For example, it was unclear from the original text whether the comitment was intended as a plan, an action, or both. As written, this commitment does not clearly articulate how it will promote or utilize core OGP values of transparency, participation, and

accountability. To assess the commitment's relevance for OGP, it should be formulated clearly and specify the new focus areas of public service delivery.

# **Moving forward**

The IRM researcher recommends that this commitment be abandoned as it currently is too vague and does not allow any reformulation. A new commitment could be adopted. It should clearly articulate the proposed activities and set specific timelines and targets that can be identified and measured.

# 15. ICT Infrastructure Enhancement in Public Administrations

Within the framework of this Action Plan, ICT infrastructure enhancement in Public Administrations is a key driving force for open government. In this respect, actions will be undertaken in the following areas:

- 1. Regulation- Implementation of the Digital Administration Code and other e-gov regulations;
- 2. Dissemination of e-gov tools for companies and professionals alike;
- 3. Infrastructure systems: electronic payment for PAs, online IDs, Certified Mail, digital signature, mobility services, Country networks.

| 0.9.1  | acare, mobility service     | 25, Gourney 1100   | .,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |                                    |           |  |           |  |
|--|-----------------------------|--|---|------------------------------------|-----------|--|-----------|--|
| Commitment Description   |                             |  |   |                                    |           |  |           |  |
| ility  | Lead institution            | Agency for Digital Italy (AgID) / Ministry of Education, Unand Research (MIUR) |   |                                    |           |  |           |  |
| Answerability  | Supporting institutions     | Agency for D   |   | (AgID) / Min                       | istry o   | f Education, Univ                            | versities |  |
| Ans  | Point of contact specified? | No   |   |                                    |           |  |           |  |
|  | cificity and<br>asurability | •  | measural                                | 0 0                                |           | vity that can be<br>retation on the p        | oart of   |  |
|  | OGP grand challenges        | None specifi   | ed                                      |                                    |           |  |           |  |
| Relevance  | OGP Values                  | Access to<br>Informati<br>on   | Civic<br>Partici<br>pation              | Accounta bility                    |           | n &Innovation None<br>Frans. & Acc.          |           |  |
| R  |                             |  |   |                                    | $\sqrt{}$ |  |           |  |
| Am   | bition                      |  |   |                                    |           |  |           |  |
| Nev  | v vs. pre-existing          | Potential in   | ıpact                                   |                                    |           |  |           |  |
| Pre-   | existing                    | •  |   | tment is a maj<br>is limited in so | -         | o forward in the scope.))                    | relevant  |  |
| Lev  | vel of completio            | n  |   |                                    |           |  |           |  |
| Start date:  |                             | End date:  |   | Actual completion                  |           | Limited                                      |           |  |
| N/A  |                             | N/A  |   | Projected completion               |           | No dates or milestones attached or inferable |           |  |
| Next steps   |                             |  |   |                                    |           |  |           |  |
| Revision of the commitment to be more achievable or measurable |                             |  |   |                                    |           |  |           |  |

#### What happened?

Given the lack of clear milestones and timelines, it is difficult to assess the level of implementation. However, according to the evidence gathered by the IRM researcher during the stakeholder meetings, none of the milestones have been achieved. For each of the milestones, Legislative Decree No. 179/2012 (Decreto Crescita 2.0-Growth 2.0) and Legislative Decree No. 83/2012 (Decretodecreto Sviluppo) need to be followed by several implementing decrees that have not been adopted to date. <sup>1,1</sup> The delay generated increasingly negative effects. First, citizens are unable to use basic public services like online payment when dealing with the government departments. Second, the private sector has been unable to invest in the digital sector despite interest in opening up the sector .

According to Italy's self-assessment report, at the time of writing this report, the stakeholders stated, the Agency for Digital Italy (AgID), established by the law in December 2012, was not operational. Stakeholders atributed the failure to institute AgID to internal governance issues. The IRM researcher concurred with the views expressed by stakeholders.

#### Did it matter?

While e-gov and ICT infrastructures are important steps toward achieving better service delivery, they are not sufficient to ensure openness and transparency in public administrations. However valuable, initiatives in the first action plan do not qualify as commitments linked to OGP values. The text of the commitment, although focused on technology and innovation, does not reflect the related OGP value to directly improve openness and accountability.

#### **Moving forward**

The IRM researcher recommends that this commitment be abandoned or substantively reformulated in a way that makes it more consistent with OGP values. If Italy decides to include a commitment related to technology and innovation in the next action plan, the IRM researcher recommends that it be reformulated to ensure that use of digital technologies incorporate the following suggestions:

- Offer opportunities for information- sharing, public participation, and collaboration;
- Make more information public in ways that enable citizens to both understand what their government does and to enhance citizen's ability to influence decisions;
- Make access to technology access more equitable and affordable;
- Commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower citizens and promote transparency in government;
- Support the use of technology by government employees and citizens.

<sup>&</sup>lt;sup>1</sup> http://www.agendadigitale.eu/tabella-scadenze

# 16. Cloud Computing Strategic Plan, Creation of PA Data Centres within a Public-Private Partnership (Calabria, Basilicata, Molise, and Sardinia Regions)

Cloud computing strategic Plan, creation of PAs' data centres within a Public-Private Partnership (Calabria, Basilicata, Molise and Sardinia Regions).

| Co   | mmitment De  | escription   |   |                    |                                     |      |  |  |  |
|--|--|--|---|--------------------|-------------------------------------|------|--|--|--|
| ity  | Lead<br>institution  | Department for Communication, Ministry of Economic Development   |   |                    |                                     |      |  |  |  |
| Answerability  | conomic Devel  | opment   |   |                    |                                     |      |  |  |  |
| Answ   | Point of contact specified?  | No   | No  |                    |                                     |      |  |  |  |
|  | cificity and<br>asurability  | Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.) |   |                    |                                     |      |  |  |  |
|  | OGP grand challenges   | None Specified   |   |                    |                                     |      |  |  |  |
| Çe   | OGP Values   | Access to<br>Information   | Civic<br>Participation  | Accounta<br>bility | Tech & Innovation for Trans. & Acc. | None |  |  |  |
| Relevance  | 1. Cloud computing strategic plan, creation of PA data centres within a Public-Private Partnership (Cal) |  | <b>√</b>  | V                  | √<br>                               |      |  |  |  |
| An   | bition   |  |   |                    |                                     |      |  |  |  |
| Mile   | estone   | New vs. pre-<br>existing   | Potential impac   | t                  |                                     |      |  |  |  |
| 1. Cloud computing strategic plan, creation of PA data centres within a Public-Private Partnership (Cal) |  | Pre-existing   | Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.) |                    |                                     |      |  |  |  |

| Level of completion                  |            |                      |             |  |  |  |  |
|--------------------------------------|------------|----------------------|-------------|--|--|--|--|
| Start date:                          | End date:  | Actual completion    | Not started |  |  |  |  |
| ,                                    | ,          | Projected completion | Complete    |  |  |  |  |
| Next steps                           | Next steps |                      |             |  |  |  |  |
| Further work on basic implementation |            |                      |             |  |  |  |  |

#### What happened?

There is no evidence that this commitment has been achieved. Stakeholders said no plan is under development. The self-assessment report does not include any reference to the plan.

#### Did it matter?

The measure has the potential to bridge the digital and infrastructure divide that affects the targeted regions of Calabria, Basilicata, Molise, and Sardinia. Stakeholders at the IRM stakeholders forums concurred on the need of the measure for the meaning of citizenship in the targete regions. They understood this policy as a way to reduce the digital divide affecting the targeted regions and to enable better data and information-sharing between government and citizens.

## **Moving forward**

Further work is need on basic implementation. The IRM researcher recommends that this commitment be achieved through a wide consultation with stakeholders. Additionally the commitment could focus on broadening citizens' access to affordable technology. Finally, the commitment could, innovate practices of interaction between citizens and government in a way that enables better access to public interest data and relevant information, as well as promote greater transparency in public service delivery.

Public participation should not be limited to online tools and platforms, but also should include inclusive and participatory off-line mechanisms.

 $<sup>^{\</sup>rm 1}$  "Tabella Monitoraggio Scadenze Agenda Digitale," Agenda Digitale, [Italian] http://www.agendadigitale.eu/tabella-scadenze

# V. SELF-ASSESSMENT

The government published its self-assessment on 10 October 2013, ten days after the deadline set in the action plan. Italy's self-assessment report included detailed descriptions of the outcomes of each of the commitments. However, given that no commitment was clearly formulated and all commitments lacked clear timelines, a wide range of loosely related activities and initiatives were included as evidence of progress or completion.

There were major deviations from the prescribed process for drafting the self-assessment report. For example, limited (and sometimes no) information was provided on the nature of the progress made on each commitment (i.e. The government published its self-assessment on 10 October 2013, ten days after the deadline mentioned in the action plan. The report included detailed descriptions of the outcomes of each of the commitments. However, given that no commitment was clearly formulated and all lacked clear timelines, a wide range of loosely related activities and initiatives were included as evidence of progress or completion.

There are major deviations from the prescribed process for drafting the self-assessment. For example, limited (and sometimes no) information was provided on the nature of the progress made on each commitment: fulfilled, partially fulfilled, in progress, withdrawn, or not met). Sometimes the IRM researcher was able to infer the actual status of each commitment from the text. More importantly, the two-week public comment period on the self-assessment report was carried out in a perfunctory way. After the self-assessment report was published, a limited number of stakeholders were invited to post comments on an online platform. No review of the comments was included in the self-assessment, which at the time of writing this report, was the original version produced prior to public consultation.

Table 2: Self-Assessment Checklist

| Was annual progress report published?   | Yes |
|---|-----|
| Was it done according to schedule?  | No  |
| Is the report available in the local language?  | Yes |
| According to stakeholders, was this adequate?   | Yes |
| Is the report available in English?   | Yes |
| Did the government provide a two-week public comment period on draft self-assessment reports? | Yes |
| Were any public comments received?  | No  |
| Is the report deposited in the OGP portal?  | Yes |
| Did the self-assessment report include review of the consultation efforts?                    | No  |

| Did the report cover all of the commitments?   | No |
|--|----|
| Did it assess completion according to schedule?  | No |
| Did the report reaffirm responsibility for openness?                                     | No |
| Does the report describe the relationship of the action plan with grand challenge areas? | No |

<sup>&</sup>lt;sup>1</sup> "Consultazione sul Documento di Autovalutazione Action Plan OGP Italia 2012," Open Government Partnership Italia, [Italian] <a href="http://commenta.formez.it/ch/ogp/">http://commenta.formez.it/ch/ogp/</a>; See also, Department of Public Administration, *Open Government Partnership Self-Evaluation of the Italian Action Plan* by the Government of Italy (Report, Rome, September 2013), <a href="http://bit.ly/ldrmfbl">http://bit.ly/ldrmfbl</a>; Open Government Forum, *Civil Society's Report on First Italian Open Government Action Plan Implementation* edited by Ernesto Belisario, Stefano Epifani, and Guido Romeo (Report, Rome, June 2013), [Italian] <a href="http://bit.ly/lg5XaR4">http://bit.ly/lg5XaR4</a>; "Ethics, Transparency and Participation: Portal of Transparency: What Has Been Done," Making Speeches Talk, <a href="http://bit.ly/ledkXgS">http://bit.ly/ledkXgS</a>

# VI: MOVING FORWARD

This section puts the OGP action plan into a broader context and highlights potential next steps, as reflected in the preceding sections, as well as stakeholder-identified priorities.

#### **Country Context**

This section highlights the main challenges related to the national context and initiatives that are not mentioned in the country's action plan or the government's self-assessment, but may be relevant for the development of the next OGP action plan. While several positive actions have been carried out since Italy joined the OGP, the overall context for the implementing open government principles remains difficult.

#### Access to Information

Since 2009, a series of different regulations introducing several proactive disclosure mechanisms have been adopted with the potential to improve the overall transparency and facilitate access to information. Additionally, in 2013 a new Transparency Law No. 33/2013 defined transparency for the first time. It defined transparency as full access to information concerning the organisation and activities of public authorities, with the purpose of enabling an array of control mechanisms to monitor government performance and use of public resources. It also introduced the "right to "civic access," which is now legally entitles anyone to ask public administrations to publish information and data that has they have not been made publicly available.

However, while significant transparency principles are now part of the legal framework, the cornerstone of the current regulation on access to information in Italy is Law No. 241 of 1990. Called "The Administrative Procedure Law," it is considered by international experts and organisations to be among the most restrictive in Europe. For example, according to the Administrative Procedure Law:

- Requests for access to information that aim to monitor the work of public authorities are admissible.
- 'Right of access' means the right of interested parties to inspect and take copies of administrative documents.
- 'Interested parties' mean all private parties who have a direct and concrete interest, corresponding to a legally protected situation that is linked to the document to which access is requested.

The government's decision not to amend the law to be more progressive, raised further questions about the open government agenda. The government's inaction led civil society and the private sector to call unanimously for the adoption of a comprehensive Freedom of Information law that meets, at least, the minimum international standards.<sup>1</sup>

The findings of an independent monitoring report<sup>2</sup> on access to information in Italy showed that 73 per cent of requests for information on matters such as public expenditure, health, environment and the justice system, were not in compliance with the international standards. 65 per cent of the requests represented "mute refusal."<sup>3</sup>

## Transparency on media regulation

Media ownership and political leadership have played a central role in Italian politics for the last two decades. Appointments to independent public regulatory bodies such as, the Communications Regulatory Authority (AGCOM), the Data Protection Agency (Garante della Privacy), and the Antitrust Authority have been made without public scrutiny or /consultation. As a result, civil society has become increasingly vocal on the issue.

In 2012, the Open Media Coalition, (OMC) - a newly formed civil society network, - called for greater transparency in the appointment of new officers to these public bodies for a new term. The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression also urged the government and parliament to open up the process to public scrutiny.

The campaign spurred a public debate. Parliament was forced, to postpone the appointment procedures for AGCOM and the Data Protection Agency, and instead to set a deadline for all prospective candidates to submit their application, which then were forwarded to all the members of Parliament.

While these efforts are minor concessions in comparison to the Open Media Coalition's demands for higher standards of transparency and accountability sought by the open media coalition, they represent a significant step forward. In fact, they have set a precedent for all future appointments to other public bodies such as RAI (Radiotelevisione Italiana S.p.A (RAI), the state-owned public service broadcaster.

#### **Accountability**

In Italy the estimated cost of corruption is €60 billion per year.<sup>4</sup> At present, citizens and media have no way of tracking public spending, because they do not have the necessary data to hold their representatives accountable. Since January 2013, in an attempt to cut public spending and fight corruption within the government agencies, all public offices from national government to local administrations have been required to disclose in open and machine-readable format all payments over €1000. However, according to CSOs that monitor this new oversight mechanism, the level of compliance at the time of writing this report was reportedly very low.<sup>5</sup>

#### **Open Data**

While positive steps forward on open data were achieved at the regulatory level, implementation faces a series of challenges. Following the commitments set by the G8 Open Data Charter, the government also confirmed there were challenges in implementing open data during the development of its action plan.<sup>6</sup>

Public awareness on the social and economic value of open data remains limited. Public administrations are generally reluctant to change the way they deal with public data and government-held information. There is also limited demand and pressure from core constituencies such as the media and private companies to disclose government data. Usually data journalists who file requests of access to public offices on a regular basis demand access to government data. Such requests are frequently met with silence or refusal, as confirmed by some of the journalists interviewed by the IRM researcher. Additionally, Italy's action plan for the G8 Open Data Charter confirmed technical and financial challenges in disclosing open government data.

#### **Current Stakeholder Priorities**

Stakeholders interviewed noted that the several commitments in the action plan were difficult to assess because they were not clearly formulated and often had no timelines, and were therefore difficult to assess. However, they see the following commitments as the most significant in the current action plan:<sup>7</sup>

- Commitment 2: More Efficient Regulatory Framework to Prevent and Fight Against Corruption within PA
- Commitment 3: Information System on the Status of Actions Falling Under the Unitary Regional Planning (OpenCoesione)

- Commitment 7: Publication and Reuse of Public Data
- Commitment 10: Open Data National Contest
- Commitment 11: National Plan for Smart Communities

#### **Future Stakeholder Priorities**

Listed below are new commitments and policy areas suggested by stakeholders. These have been categorised by the IRM researcher according to their relevance to OGP values:

## **Enhancing Public Participation**

- Develop public engagement practices;
- Improve public consultation;
- Establish a multi-stakeholder OGP forum to consult widely with civil society and private sector on regular basis; , and
- Develop a more inclusive and effective consultation, and decision -making processes, and power-sharing mechanisms.

## Technology and Innovation (for openness and accountability)

- Improve open data availability and standards;
- Intensify open government and open data outreach and awareness-raising initiatives;
- Introduce a more consistent, proactive disclosure policy on government-held data:
- Enhance the data platform (enhancing dati.gov.it);
- Launch e-petitioning policies and initiatives;
- Improve performance of government websites; and
- Promote digital civic literacy.

#### **Access to Information**

- Improve citizens' access to information;
- Introduce a comprehensive Italian Freedom of Information Act.

#### **Accountability**

- Enhance anti-corruption policy and whistle-blower protection;
- Strengthen transparency.

Some stakeholders also recommend that the government follow OGP guidelines more strictly when developing the next action plan.

#### **Recommendations**

From the findings of the report and the specific recommendations put forward in each commitment, a number of general recommendations can be made to address recurring issues that emerged throughout the independent review process, and to improve the development and implementation of the next action plan, and to consolidate the government's open government agenda and existing open government activities. The IRM researcher recommends the following:

## **Awareness-raising**

In developing its next action plan, the government should make substantive efforts to reach key constituencies through in-person outreach initiatives and to publicise OGP and Italy's action at the regional and local levels.

The government also should increase efforts to raise the level of awareness and knowledge of OGP within government departments involved in the implementation of the action plan commitments.

#### Stakeholder engagement

Bring a wider range of stakeholders into the development and implementation of the next action, including key constituencies and stakeholders beyond those already working on open government.

Enable greater participation by providing engagement activities at the local level.

Consider establishing a dedicated website to explain OGP and Italy's commitments in detail. Highlight how OGP commitments could be beneficial to a broad range of potential stakeholders.

Identify how digital services and technologies can address the priorities of users, perhaps through assessing user needs and analysing them in the context of existing initiatives to enhance transparency and accountability, developed in response to societal demands.

#### Consultation

As required by the OGP Article of Governance, the government should constitute a forum to enable regular multi-stakeholder consultation on OGP implementation.

Use offline consultation mechanisms in order to enable greater participation and to include feedback and inputs from stakeholders and constituencies who are not familiar with digital technology.

Develop a stakeholder consultation and feedback policy. Make it publicly available prior to consultations.

Consider appointing a single point of contact for similar initiatives and activities aiming to inform and consult the public.

Organise consultations prior to the development of the next action plan and self-assessment report with sufficient advance notice. Ensure that feedback from stakeholders is incorporated in the final action plan.

#### **Future Commitments**

A number of commitments included by Italy did not require new activities that stretched practice of government departments involved, beyond the existing baselines.

Lack of information on implementation of commitments when they were included in the action plan, makes it difficult to assess to what extent the commitments were fulfilled or related to relevant OGP values. The IRM researcher recommends that the government:

- Frame commitments according to OGP guidelines by including measurable activities and providing clear timelines and indicators;
- Develop a yearly timeline for the OGP process and make it publicly available;
- Consider including ambitious commitments that review the overall access to information framework currently based on the Administrative Procedure Law No. 241/1990;
  - In particular, the provision that dismisses "requests of access made with the aim of generally monitoring the work of public authorities" denies the public a basic accountability mechanism and undermines citizens' fundamental right of access to information.

<sup>&</sup>lt;sup>1</sup> Guido Romeo, "Why Italy Needs a Proper Freedom of Information Law," Voices | Grantee Spotlight, Open Society Initiative for Europe, 22 May 2013, http://osf.to/1aPAVuK

<sup>&</sup>lt;sup>2</sup> Note that the IRM researcher co-authored this report. Alessandra Galloni, "Italians Knock on Transparency's Door, but Get Few Answers," Blog, Wall Street Journal, 26 April 2013, http://on.wsj.com/1i4kW4v

<sup>&</sup>lt;sup>3</sup> Access-Info Europe, *The Silent State: Access to Information in Italy, Results and Recommendations from First National Monitoring* by Diritto Di Sapere (Report, April 2013), <a href="http://bit.ly/lafD3b">http://bit.ly/lafD3b</a>

<sup>&</sup>lt;sup>4</sup> uk.reuters.com/article/2012/10/17/uk-italy-corruption-idUKBRE89G1G720121017

<sup>&</sup>lt;sup>5</sup> L'Era della Trasparenza, <a href="http://www.eradellatrasparenza.it/">http://www.eradellatrasparenza.it/</a>

<sup>&</sup>lt;sup>6</sup> "Open Data Action Plan - Italy," Department of Public Administration, http://bit.ly/1jvJqPB

<sup>&</sup>lt;sup>7</sup> Open Government Forum, *Civil Society's Report on First Italian Open Government Action Plan Implementation* edited by Ernesto Belisario, Stefano Epifani, and Guido Romeo (Report, Rome, June 2013), [Italian] http://bit.ly/1g5XaR4

# **ANNEX: METHODOLOGY**

As a complement to the government's self-assessment, well-respected governance researchers write an independent assessment report, preferably from each OGP participating country.

These experts use a common OGP independent report questionnaire and guidelines,<sup>43</sup>,<sup>2</sup> based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section). In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

#### Introduction

After a comprehensive review of the action plan, and in particular the way commitments were framed, the IRM researcher undertook a number of in-person interviews. To collect information that was not included in the action plan or self-assessment that might be relevant to review the overall OGP process, the IRM researcher interviewed all the government officials involved in the OGP process.

#### **Stakeholder Selection**

The following government officials who took part in the self-assessment report participated in two rounds of interviews carried out in Rome on the 10th and 11th October 2013:

- Antonio Naddeo, Head of the Department for Public Administration at the Presidency of the Council of Ministers
- Stefano Pizzicannella, Department for Public Administration (DPA)
- Davide D'Amico, Department for Public Administration (DPA)
- Donatella Solda-Kutzmann, Constitutional Reforms Department, Presidency of the Council of Ministers
- Damien Lanfrey, Constitutional Reforms Department, Presidency of the Council of Ministers
- Laura Massoli, Department for Public Administration (DPA)

<sup>&</sup>lt;sup>2</sup>Full research guidance can be found at http://bit.ly/120SROu

- Salvatore Marras, Centre of Services, Assistance, Studies and Training for Modernizing Public Administrations (FormezPA)
- Gianfranco Andriola, Centre of Services, Assistance, Studies and Training for Modernizing Public Administrations (FormezPA)
- Daniele Tatti, Agency for Digital Italy (AgID)
- Simona De Luca, (OpenCoesione, MISE, Dipartimento per lo Sviluppo e la Coesione Economica)
- Carlo Amati, (OpenCoesione, MISE, Dipartimento per lo Sviluppo e la Coesione Economica)
- Marcella Gargano, Ministry of Education, Universities and Research (MIUR)
- Teresa D'Amico, Department for Public Administration (DPA)
- Benedetto Proia, Department for Public Administration (DPA)
- Giuseppe Abbatino, Independent Commission for the Evaluation, Transparency, Integrity of Public Administrations National Anti-Corruption Authority (CiVIT)
- Elisabetta Midena, Independent Commission for the Evaluation, Transparency, Integrity of Public Administrations National Anti-Corruption Authority (CiVIT)
- Guglielmo Longobardi, Independent Commission for the Evaluation, Transparency, Integrity of Public Administrations - National Anti-Corruption Authority (CiVIT)

Participants explained the role of their respective departments and offices in the development and implementation of the action plan and the government's self-assessment report. They then discussed specific issues and challenges related to the individual commitments for which they were responsible.

#### **Stakeholder Forums**

IRM stakeholder forums were held in Rome on the 15th of October 2013 with representatives of the civil society network, the "Open Government" Forum, who drafted an independent progress report of the Italian commitments.

The following individuals participated and contributed with further comments and analysis:

- Ernesto Belisario, lawyer, e-gov and open gov expert, co-founder of OpenGovernmentForum.it
- Alberto Stornelli, web communication strategist, Agorà Digitale
- Giovanni Battista Gallus, attorney at the, GM-LEX Law Firm, fellow at the Nexa Center for Internet & Society at the, Polytechnic University of Turin in, Italy
- Stefano Epifani, chief editor of, Tech Economy, professor of Applied Technologies and Corporate Communication at the, University of Rome La Sapienza in, Italy
- Nicola Borello, senior policy officer at, ActionAid

Participants in the stakeholder forums discussed the overall OGP process, highlighting tensions between OGP values and the government's overall approach to transparency and accountability. Participants debated single commitments and challenges to implementing them. Specific recommendations were put forward on how to improve consultation with stakeholders and to develop the next action plan. In particular, the participants highlighted the lack of a methodology or clarity on the aims of the consultations and the difficulty in engaging with key senior officials working on OGP. They also pointed out the lack of ambition of the action plan and the fact that it had been developed without prior public consultation.

In particular, CSOs would like to have access to relevant, undisclosed, government-held information prior to consultations. They also suggested that the government have a clear policy on how it is going to use inputs from public consultations.

The IRM researcher also conducted a comprehensive evaluation of media reporting on OGP process and government's consultative online platforms.

#### **Interviews**

Interviews were conducted in Trento on the 14th of October 2013 with the following individuals:

- Maurizio Napolitano, technologist at the Centre for Information Technology at the, Fondazione Bruno Kessler (FBK), government advisor, founder of Open Knowledge Foundation Italy and Open Street Map
- Francesca De Chiara, FBK, PhD, open data expert at FBK

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<sup>&</sup>lt;sup>43</sup> Full research guidance can be found at <a href="http://bit.ly/120SROu">http://bit.ly/120SROu</a>

# **About the Independent Reporting Mechanism**

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Jonathan Fox
- Rosemary McGee
- Gerardo Munck

A small staff based in Washington, DC shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at <a href="mailto:irm@opengovpartnership.org">irm@opengovpartnership.org</a>.