



# **OPEN GOVERNMENT PARTNERSHIP**

## **2012 ROMANIA NATIONAL ACTION PLAN**

### **SELF ASSESSMENT REPORT**

**SEPTEMBER 2013**

## Contents

I. Introduction/background .....	3
II. Process Summary .....	5
III. A) Monitoring of the 2012 National Action Plan Implementation .....	9
B) Implementation status for priority projects for increasing access to online public services .....	18
IV. Identified challenges .....	20
V. Recommendations from the civil society .....	21
VI. Conclusion, Recommitment to OGP Participation, and Next Steps.....	22

## **I. Introduction/background**

The Government of Romania rallied to the Open Government Partnership, the multilateral initiative launched by the United States and Brazil, in September 2011, and in April 2012, the Memorandum on the participation to the OGP and the 2012-2014 National Action Plan for the implementation of OGP commitments were approved.

In accordance with the OGP objectives, the Government of Romania, through the National Action Plan 2012-2014, aims to meet the open government principles of promoting transparency, using new technologies to enhance administrative capacity and fight corruption and increase civic participation.

These objectives, complementary to those set forth in the National Anticorruption Strategy (NAS), can also be found in one of the specific objectives of the NAS: Enhancing institutional transparency by increasing the degree of availability of open public data. It includes the following proposed actions:

1. taking the steps to join the Open Government Partnership;
2. ensuring the compliance with the laws regulating freedom of information and transparency in the decision-making process;
3. developing e-government / e-administration / e-justice platforms for citizens to access public services;
4. implementing projects aimed at promoting public integrity and good governance, in partnership with the civil society;
5. improving communication strategies on anticorruption themes, focusing on the management of relations between the government and the civil society.

At the EU level, the principle of re-using public data was regulated by Directive 2003/98/CE on the re-use of public sector information, reflected at national level by Law no. 109/2007 regarding the re-use of public information. The law stipulates that re-use of documents owned by the public institutions is free for all potential market participants and that public institutions must create conditions to facilitate access to the documents available for re-use, particularly by creating electronic lists and directories. Law no.109/2007 completed the legal framework set by Law

no.544/2001 regarding the free access to information of public interest and Law no.52/2003 regarding transparency in the decision-making process. Directive 2013/37/UE of the European Parliament and of the Council amended Directive 2003/98/CE.

As part of the Programme for Government 2013-2016, **the new cabinet reaffirmed its support to the implementation of actions according to the OGP principles** and proposed the establishment, under the direct coordination of the Prime-Minister, of the Department for Online Services and Design.

The proposed Department would have the following responsibilities:

a) to lead the transformation and innovation process of the online public services provided by the Government of Romania; b) to plan, develop and implement initiatives aimed at providing the citizens with an accurate and transparent account of the way the public administration works; c) to improve citizen access to the decision-making process, with a view to ensuring high-quality public services; d) to coordinate actions for the set up of a single gateway for the recruitment process for civil service and other staff in the central and local administration, as well as for other initiatives aimed at increasing the integrity and transparency of the public administration; e) to collect and publish data on public information about the staff in the central and local government, the public expenditure, as well as other datasets produced or owned by public institutions; f) to drive open data related endeavours, empowering citizens to identify, download and use public datasets produced or owned by the public administration; g) **to monitor the implementation of e-Government projects, of the Open Government Partnership commitments and of the Digital Agenda for Romania**, and to offer support to the involved public institutions; h) to oversee the process to define and implement a single visual identity at the level of central government, and establish a unitary government digital service provision, including the implementation of the gov.ro domain for all public administration.

This chapter of the Programme for Government came into effect with the Decision of the Prime-Minister no.105/07.02.2013 establishing the competences of the PM's Chancellery.

## II. Process Summary

**The 2012-2014 National Action Plan for the implementation of OGP commitments comprises a set of measures structured on three major phases, as follows: year 2012 - (1) assuming responsibility, year 2013 - (2) standardizing procedures and year 2014 - (3) maximizing results.**

According to the OGP timeline, the first full year of implementation started July 1, 2012 and ended June 30, 2013. The draft of the Self Assessment Report for the 1<sup>st</sup> year of implementation was published online on the ogp.gov.ro website and open to public consultation for two weeks starting September 11, 2013.

**This report covers the progress in the implementation of actions proposed for the Year 2012 – Challenge no.1: Assuming responsibility:**

- a) designating a person responsible for publishing open data in each public institution;
- b) identifying regulatory needs in order to make data open, as well as the logistical and technical solutions for their publishing;
- c) making an inventory of the available datasets able to be delivered in an open format and identifying those that reflect that most relevant information for the activity of each institution (high-value datasets). This will also include datasets collected by the authorities in order to support public decision-making;
- d) priority publishing on the web page of each institution of the following:
  - datasets identified according to the above paragraph;
  - datasets that are subject to compulsory disclosure according to Law no. 544/2001;
  - datasets that are referred to by the last activity report of the institution;
  - datasets regarding transparency in the decision-making process (documents that support legislative proposals, subject to public consultation according to Law no. 52/2003);
  - datasets regarding public procurements, budgetary policy and budget execution (how public money is spent);
- e) initiating pilot-projects that may serve as examples of good practice and support promoting the concept and benefits of open data, in partnership with organizations whose commitment may have an immediate positive impact on increasing institutional transparency and credibility (ex.: datasets on the implementation of the National Anticorruption Strategy);

f) organizing public debates on the utility of open data, in partnership with representatives of public authorities, NGO's and the business environment.

Apart from the commitments related to the opening of datasets by the public administration, the National Plan also sets goals for the years 2012-2014 for increasing public access to online public services, through the development of a number of e-government platforms:

- the Public Procurement Electronic System (SEAP). The SEAP portal will expand in order to technically integrate the legal provisions governing the public – private partnership;
- expanding the online submission of fiscal forms. The Government intends to expand the system so that it may accommodate all types of taxpayers and fiscal obligations;
- the Electronic Allocation System for Transports (SAET).
- SAET represents a public utility service aimed at the distribution of international cargo transport permits and the allocation of regular transport routes;
- ensuring the free online access to national legislation;
- developing electronic tools to manage subpoenas and facilitate access to information regarding legal proceedings;
- developing electronic tools to manage the procedures related to obtaining the Romanian citizenship;
- developing electronic tools to manage the procedures related to the creation of non-profit legal persons;
- the Integrated System for Electronic Access to Justice (SIIAEJ) designed to offer litigants the possibility to electronically submit documents for the cases pending trial, as well as to undergo certain legal procedures online, where possible.

Following the 2012 changes in government, and the subsequent ones on the level of public administration, institutional restructuring took place, leading to delays in the implementation of the Action Plan. This institutional restructuring process and the relative novelty of the open data concept had a significant influence on the outcome of the first year of implementation.

Given the fact that we are still faced with the tendency to over-classify public information as “secret”, open data proved to be a challenge for the public administration in Romania. Thus, due to the novelty of the concept and initial reluctance to provide data in a re-usable format, the

national action plan only involved the central public administration. As such, the present report does not include local public institutions.

As stated above, as of the beginning of 2013, with the creation of the Chancellery of the Prime-Minister, the Department for Online Services and Design was formed and became responsible for coordinating the implementation of the OGP National Action Plan.

At the beginning of 2013, the Chancellery of the Prime-Minister resumed talks with the 17 involved ministries and requested that the designation of the OGP responsible persons be re-affirmed. As part of the monitoring process, the representatives of the Chancellery also requested regular updates from the ministries on the progress of implementation of actions.

The ministries involved in the first stage of the implementation of the Action Plan are: the Ministry of Agriculture and Rural Development, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Ministry of National Defence, the Ministry of Culture, the Ministry of Regional Development and Public Administration, the Ministry of National Education, the Ministry of Economy, the Ministry of European Funds, the Ministry of Public Finance, the Ministry of Justice, the Ministry of the Environment and Climate Change, the Ministry of Labour, Family, Social Protection and Elderly, the Ministry of Health, the Ministry of the Information Society, the Ministry of Youth and Sport and the Ministry of Transportation.

In March 2013, the PM's Chancellery organised two meetings with the designated persons from all involved institutions, in order to establish the level of progress, identify the main challenges and mitigate delays in the implementation of commitments.

As it emerged from these meetings, the challenges encountered by the representatives of the ministries on tackling the open data issues varied from one institution to the other. Therefore, the team from the Chancellery of the Prime-Minister decided to arrange separate meetings at the headquarters of each ministry. The designated responsible persons were joined in these discussions by at least one person with decision-making authority in the ministry. The participants showed interest in promoting transparency and accountability, in the use of new technologies for institutional capacity-building and in improving the dialogue between the public administration and the citizens.

The main conclusion drawn from these meetings was that the publication of open data should be made gradually, as follows: in the first phase of the process the ministries would publish documents and information of public interest on their own websites, in any available format (including PDF); in the second phase the ministries would also publish the available data in a

user friendly, re-usable format (such as word or excel documents); and finally, in the third phase the involved institutions should upload open datasets on the proposed data.gov.ro gateway. These conclusions were shared with the civil society during the April public conference on the subject.

Given the delays in the completion of the inventories of available datasets, in September 2013, the representatives of the Chancellery reprised the working visits to the ministries, at the central administrative level, as well as at some of the subordinated agencies, such as the National Agency for Fiscal Administration (ANAF) or the National Agency for Cadastre and Land Registration (ANCPI). These meetings focused on the publication of open datasets and the participants included at least one person with decision-making authority, the designated open data responsible persons, IT specialists from within the ministry, representatives of agencies in the subordination of the ministry, as well as representatives of the civil society (programmers, user representatives, persons interested in each particular field and the proposed open datasets).

An important step that should be mentioned is the fact that, on the recommendation of the Chancellery, the ministries have started to gradually involve the subordinated agencies in the implementation process: the Ministry of Agriculture and Rural Development (the Paying and Intervention Agency for Agriculture and the Paying Agency for Rural Development and Fisheries); the Ministry of Public Finance (the National Agency for Fiscal Administration); the Ministry of Health (the National Institute for Public Health and its various departments); the Ministry of Justice (the National Administration of Penitentiaries and the National Trade Registration Office).

As a result of these meetings, as well as of the public conferences on the subject of open data, progress has been made on eliminating confusion between publishing high-value open datasets and publishing data that is subject to compulsory disclosure (ensuring access to information of public interest). Another topic of interest was the recommendation by the representatives of the Chancellery to develop and implement, at the level of each institution, a set of implementation and monitoring mechanisms. These would include details on: the designated responsible person and their authority over the open data matters, the IT experts, the annual action plan, the data collection mechanism, the regularity of updates for each set of data, the preferred data format and so on.

Another important outcome of the September meetings was the selection of a first series of high-value open datasets that are to be published on the proposed single gateway (date.gov.ro). These

datasets were chosen taking into account the recommendations and requests of the civil society delegates and should meet clearly set deadlines and technical standards.

The objective of ‘Enhancing institutional transparency by increasing the degree of availability of open public data’ is included both in the National Action Plan, and in the 2012-2015 National Anticorruption Strategy. Open data represented one of the main themes of the 2013 NAS implementation assessment visits, as part of the access to information of public interest component. The Technical Secretariat of the NAS conducted a series of assessment missions, at the level of several public central and local institutions, on themes such as access to information of public interest, declaration of assets or conflicts of interest. The findings of these missions were included in the Assessment Reports and will be published on the [sna.just.ro](http://sna.just.ro) website.

### **III. A) Monitoring of the 2012 National Action Plan Implementation**

#### Challenge no.1: Assuming responsibility

The main objective of the first set of measures comprised in the National Action Plan, assuming public responsibility on an institutional level, has been accomplished. As mentioned, the Department for Online Services and Design from the Chancellery of the Prime-Minister is responsible for monitoring the implementation of the OGP principles. Each ministry appointed the designated persons responsible for open data publishing.

**The monitoring indicators for the implementation of measures by each of the 17 ministries involved, as presented below, are accompanied by the assessment of whether the commitment has been fulfilled, partially fulfilled or not met.** This assessment is based on data gathered by means of the monitoring reports from the ministries, information gathered from the inter-institutional meetings and self-evaluation questionnaires filled by the involved institutions. The Monitoring Report, covering each of the involved ministries, and the indicators, were published on the [ogp.gov.ro](http://ogp.gov.ro) website.

<b>1. institutional capacity-building on human resource and logistics levels</b>
--

<b>From a total of 17 ministries: Fulfilled: 41%, partially fulfilled: 53%, not met: 6%</b>
---

**1.1. at least one person has been designated as responsible for publishing open data in each public institution:**

All involved ministries have designated at least one person responsible with the publication of open data, and the list comprising the names and contact information of these persons was published on the Contact page of the [ogp.gov.ro](http://ogp.gov.ro) website (<http://ogp.gov.ro/contact/>). However, a common issue that was raised in most institutions was the shortage of staff that can be assigned to work on this matter.

So far, the Ministry of National Defence, the Ministry of Health, the Ministry of Justice and the Ministry of Labour reported designating open data responsible persons on both the central level and on a department or subordinated agency level.

**1.2. the technical requirements for the publishing of open data are met;**

According to the monitoring reports, none of the involved institutions reported problems regarding the technical requirements of the process. However, as the September meetings focused on the next phases in the publication of open datasets, the representatives of the ministries raised concerns about the incurred additional technical, financial and staff costs.

**1.3. an internal institutional mechanism has been set up to facilitate the open data publishing process;**

The National Action Plan does not require that the involved institutions draw up an action plan and/or an internal monitoring and control system on the publication of open datasets; however, the Chancellery of the Prime-Minister recommended these two measures to help ensure a better mechanism for the collection, publication and regular update of open data within each institution. Such instruments should regulate the flow of data and provide information on open data publishing within the ministries. In addition, the dissemination of information regarding the Action Plan measures within the institutions would lead to a better understanding of the need to publish data in an open format. So far, only 4 ministries reported drafting such action plans.

Given the need to establish a set of common procedures and standards to be followed, the Chancellery of the Prime-Minister wishes to open to public consultation a draft of an Open Data Code of Practice by the end of 2013. The document will be developed in partnership with the representatives of the public institutions involved in the OGP process and with those of the civil society. The need for such a document has been stressed both by the civil society and by the public administration, given the novelty of open data publishing in our country. The Code will

provide guidance on how the public authorities should handle the process of identifying, publishing and updating the datasets, as well as the technical standards to be met.

**2. making an inventory of the available datasets that already are, or could be, delivered in an open format**

**Fulfilled: 29%, partially fulfilled: 47%, not met: 24%**

By June 30, 2013, 5 ministries had made a first full draft inventory of available datasets, 8 ministries have made partial inventories and 4 ministries had only initiated the process of collecting available datasets from the subordinated departments. This action is on-going and requires regular updates of the inventories.

In the initial phases of the implementation process, this particular action resulted mostly in lists comprising the official documents considered to be of public interest. This proved that the open data concept and the purpose of these inventories had not been fully grasped. However, from May 2013, some of the ministries have started drafting inventories containing the available raw data that could be published in an open format.

In September 2013, delegates of the civil society and representatives of the central administration took part in mixed working groups with the purpose of prioritising the existing datasets inventories, as provided by the following ministries: Ministry of Agriculture and Rural Development, Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of National Defence, Ministry of Culture, Ministry of Regional Development and Public Administration, Ministry of National Education, Ministry of Public Finance, Ministry of European Funds, Ministry of Justice, Ministry of the Environment and Climate Change, Ministry of Labour, Family, Social Protection and the Elderly and Ministry of Health. All these institutions are set to deliver, by the end of October, official standpoints on the availability and timeframe for the publication of the selected datasets.

**3. publishing the available and relevant datasets, according to the inventory, on the web page of each institution. It has been agreed that the data should be published at first in any available format, and in an open format when possible**

**Fulfilled: 47%, partially fulfilled: 24%, not met 29%**

By June 30, 2013, 8 ministries had fully published on the web page of the institution the available datasets, 4 ministries had only partially published the available datasets and 5 ministries did not report the publishing of any datasets.

Although most public institutions already have the datasets in machine-readable formats, the preferred format for publication is still the PDF. Consequently, most of the datasets published on the websites of the ministries hold no re-use value.

**4. priority publishing on the web page of each institution of datasets regarding transparency in the decision-making process (information that is subject to compulsory disclosure according to Law no. 544/2001, Law no. 52/2003)**

**Fulfilled: 41%, partially fulfilled: 59%.**

By June 30, 2013, 7 ministries had fully published the datasets regarding transparency in the decision-making process while the rest of 10 ministries had only partially published them.

A matter of particular interest to the civil society, the budgetary data, is only partially available and in a non re-usable format (in most of the cases it does not include the budget execution nor the balance sheets).

In the case of public procurement information, most ministries have only published the procurement notices, but not the resulting contracts.

**5. examples of good practice and pilot-projects that may promote the concept and benefits of open data and increase institutional transparency and accountability:**

**[buget.gov.ro](http://buget.gov.ro) (budget), [posturi.gov.ro](http://posturi.gov.ro) (jobs), [sna.just.ro](http://sna.just.ro) (National Anticorruption Strategy portal), [www.mapn.gov.ro](http://www.mapn.gov.ro) (Ministry of National Defence website), [www.mmuncii.ro](http://www.mmuncii.ro) (Ministry of Labour, Family, Social Protection and Elderly website)**

### **5.1. Initiatives launched by the Chancellery of the Prime-Minister**

As part of its responsibilities related to the implementation of OGP principles and actions, the Chancellery of the Prime-Minister, through the Department for Online Services and Design,

initiated a series of projects aimed at increasing the transparency in the decision-making process and facilitate access to information of public interest.

These proposals included the development of the following unique government gateways or websites:

- **buget.gov.ro** – facilitating the access of citizens to information on the national budget, presented in a friendly and comprehensive manner, through the use of info-graphics; (project completed)
- **posturi.gov.ro** – the unification under a single gateway of all information regarding vacancies in the public sector; (project completed)
- **angajati.gov.ro** – the unification in a single gateway of three different databases, including the names and positions of all the dignitaries, civil servants and other staff in the central and local government. More precisely, the gateway will include data collected from the General Secretariat of the Government, the National Agency of Civil Servants and the Ministry of Labour, Family, Social Protection and Elderly; (project under implementation)
- **date.gov.ro** – designed to be the central access point for open data collected from the public administration. Its core principles are transparency, civic participation and collaboration; (project under implementation)
- **petitii.gov.ro** – designed to empower citizens to get involved in the decision-making process by informing the Government on what their main concerns and issues are and by thus obliging it to issue an official response. This project facilitates the right to petition government, as guaranteed by Article 51 of the Constitution of Romania. (project under implementation)

One of the stages in the implementation process for these projects was an application programming marathon, Hackathon, organized by the Department for Online Services and Design in February, 2013 (<http://blog.opengovpartnership.org/2013/03/hackathongov-ro/>).

The event represented an alternative to the traditional methods used by the public administration to acquire online solutions and its purpose was to promote capable young people, to encourage the use of new technologies among citizens and to develop online platforms aimed at improving government transparency and accountability. 25 high-achieving students, specialized on Information technology, from Bucharest high schools, took part in the marathon. The partners of the Department for Online Services and Design in organizing the event were the Ministry of National Education and two important companies from the IT field.

## 5.2. Implemented projects

The **buget.gov.ro** website, launched at the beginning of 2013, was implemented with the help of the Ministry of Public Finance and of the Minister Delegate for Budget. All the data published on this site is also published on the OpenSpending.org platform, an online independent project of the Open Knowledge Foundation.

The gateway **posturi.gov.ro** was launched in September 2013 and is a way of increasing the transparency of public institutions. The aim of the gateway is to keep the citizens up to date on the job openings in the central and local public administration.

The same month, the Chancellery of the Prime-Minister launched **ogp.gov.ro**. The website aims to present all relevant OGP related information and news, publish related documents open for public consultations and increase the level of citizen participation in the publication of open data. In September 2013, the site hosted the public consultation on the draft of the present Self Assessment Report. The consultation was open for two weeks and the feedback was analysed and taken into consideration for the completion of the Report.

In support of the institutions involved in the implementation of the National Anticorruption Strategy, the Technical Secretariat of NAS has developed the **sna.just.ro** gateway. The portal includes relevant information and best practices identified in the fight against corruption. In order to standardize the collection of data on corruption prevention measures and evaluation indicators, the portal will have a specially designed application to regularly gather the required data. Starting June 2013, each public institution is able to upload its anti-corruption data through this mechanism. The collected information will be thus uploaded directly on the server of the Ministry of Justice. Following validation, the data will be exported in both open and closed formats, to the public interface of the portal, and published under the Open data Section. Thus, the Technical Secretariat of the NAS is contributing to the OGP National Plan commitments to increase the number of high-value datasets available in an open format.

## 5.3. Initiatives of the ministries

Several ministries have already dedicated a part of their website to transparency and open data:

- on the website of the Ministry of National Defence there is a dedicated section called “Open Governance” (“Administrare Deschisa”) including the links for the relevant datasets published in compliance with the National Action Plan;
- on the website of the Ministry of Labour, Family, Social Protection and Elderly there is a section dedicated to the information that is subject to compulsory disclosure according to Law no.544/2001: <http://www.mmuncii.ro/nou/index.php/ro/transparenta/accesul-la-informatii-de-interes-public>;
- the website of the Ministry of Agriculture and Rural Development also has a page dedicated to open data, <http://www.madr.ro/ro/date-deschise.html>, including a list of available open datasets. The page gives the citizens the possibility to suggest the publication of additional datasets or complain against the breach of obligations incumbent upon the ministry in the field of open data.
- the Ministry of Internal Affairs added an Institutional transparency/Open data page to the existing information of public interest: [http://www.comunicare.mai.gov.ro/open\\_data.php](http://www.comunicare.mai.gov.ro/open_data.php).

## 6. organizing public debates on the utility of open data

**The Annual Anticorruption Conference took place on March 28-29, 2013.** Its main objective was to raise public awareness of the measures taken to fight corruption in the public and private sectors. The Conference included debates on the progress of implementation of the 2012-2015 National Anticorruption Strategy (NAS), analysis of the best practices in the field and presentation of the main actions planned for the year 2013. Representatives of all public institutions involved in the implementation of the NAS took part in the event (the Parliament, the Government, the judiciary), as well as representatives of the civil society and business sector. A section of the Conference was dedicated to the chapter **Enhancing institutional transparency by increasing the degree of availability of open public data.**

On April 26, 2013 the Chancellery of the Prime-Minister organised the debate “Open data and the implementation of the country commitments to the Open Government Partnership”. The objectives of the debate included the presentation of the progress achieved by the ministries in the publication of open data and the consultation of civil society and private sector representatives on the matter, in order to improve public participation in the implementation of the National Plan.

The main requests of the delegates of the civil society included:

- the publication in an open format of all data held by the public administration, particularly the compulsory information, the statistics and other data deemed relevant from each institution;
- the publication, by each ministry, of all investment projects and of the budget of state-owned companies in a unitary format;
- the publication of geo-spatial data (from the National Agency for Cadastre and Land Registration, the Ministry for Environment and Climate Change, the National Statistics Institute). Currently, there are only documents and reports available, but there is no raw data published;
- the publication of hydrological data that should be provided by the National Institute for Hydrology and Water Management for scientific and research purposes;
- the publication of budget and investment data, on both local and central administration levels;
- the publication of information on the designated persons responsible for the implementation of Law 544/2001 regarding the free access to information of public interest;
- the publication of all available open datasets on a single gateway.

In addition, the representatives of the central public administration stated the following:

- regarding the development of a single gateway for public information or open data, the starting point should be to establish definite lists of datasets to be published and their respective update intervals; otherwise, the process might be hindered by the difficult administrative process that occurs when several public institutions are involved, particularly at the local level. A first set of standards will be established for the data and information that are subject to compulsory disclosure according to Law no. 544/2001;
- although the administration holds a large amount of public data, it is not in a unitary format, thus making it difficult to structure on a single website;
- progressively, the documents will be published in more than one format, making available both a re-usable and a non-reusable format;
- the accuracy and practical value of the datasets should be taken into account for their publication in an open format.

The participants, from both the administration and the civil society side, once again stressed the importance of establishing clear standards for the publication of open datasets, even though the first stage of the process only involves publishing the data that is subject to compulsory disclosure according to Law no. 544/2001 on free access to public information. The standards have to establish the types of datasets that are to be published, the preferred formats and the update intervals. The goal is to gradually put in place a mechanism for the publication of open datasets, that would work in the long run even outside the framework of the OGP National Action Plan.

On June 18, 2013 the event entitled “**Moving forward. Open data discussions for an Open Romania**” was organized by geo-spatial.org, the Soros Foundation Romania, the Department for Online Services and Design - Chancellery of the Prime-Minister and GEOIDEA.ro, with the support of the UK Embassy in Romania. It gathered together representatives from the Romanian ministries that deal with Open data, civil society interested in the subject and private and academic sector representatives. Everyone present agreed on the idea of mixed working groups comprised of representatives of the Chancellery, of the civil society and of the private or academic sector. The groups would meet at the headquarters of each ministry and work with the representatives of the institutions on selecting the priority datasets. The delegates of the private sector requested from the public administration datasets inventories, accurate datasets, clear publication formats and regular updates.

In order to accelerate the process of open datasets prioritisation, on August 20, 2013, the representatives of the Chancellery of the Prime-Minister and of the Ministry of Justice (the NAS technical Secretariat) held a meeting with delegates of the civil society on the subject of open data. The discussions focused on two subjects: the National Action Plan 2012-2014 and the proposed meetings with the representatives of the ministries. At the proposal of the civil society, a review of the National Action Plan is taken into consideration, in order to develop more specific result-oriented measures. Proposals for new specific fields and objectives were presented, such as using data from the education field to develop open educational resources and publish school related datasets (location, number of teachers, number of students, national exams results, number of dropouts etc.). There was also a proposal to publish not only scientific articles and reports, but also research datasets, raw data, especially those resulting from projects financed from national or European funds. Regarding the meetings with the representatives of the ministries, the civil society delegates suggested that the working groups should include at least a person with decision-making authority in the ministry, the designated open data responsible persons, volunteer programmers and user representatives (persons interested in each particular field and the proposed open datasets). The participants decided upon the following procedure: identifying the datasets, choosing the format, signing a collaboration agreement, obtaining the data from the ministry within two weeks; receiving support from the ministry for the volunteer programmers in developing open data applications, developing the apps within a reasonable timeframe, taking into account user needs and disseminating information on the results by all parts involved.

## **B) Implementation status for priority projects for increasing public access to online public services**

1. The Public Procurement Electronic System (SEAP) portal will expand in order to technically integrate the legal provisions governing the public – private partnership;

The SEAP functions in accordance with the provisions of the public-private partnership Law no. 178/2010. The Central Unit for the Coordination of the public-private Partnership is currently undergoing restructuring, thus it cannot benefit from the functionalities of the gateway. In February 2014, the 2013 development cycle of the SEAP will end, leading to full compliance with the current legal framework and will include new document management functionalities (procurement file, company file and so on).

2. Expanding the online submission of fiscal forms. The Government intends to expand the system so that it may accommodate all types of taxpayers and fiscal obligations through the e-guvernare.ro gateway;

e-guvernare.ro is maintaining its role as a gateway for citizens and companies to access the specialised applications provided by the various public institutions. For the institutions that do not wish to implement such applications, the gateway offers a series of services such as The Virtual Payment Office or the National Electronic System, providing standardized authentication and secured communication services.

3. The Electronic Allocation System for Transports (SAET). SAET represents a public utility service aimed at the distribution of international cargo transport permits and the allocation of regular transport routes;

From March 2013 to February 2014 there is an on-going project, funded from the European Regional Development Fund, for the improvement of the Electronic Issuing and Awarding System of Carriers Permits for International Freight Routes and Persons Transport Licenses, focusing on ensuring the semantic, technical and organisational interoperability at user level for an unlimited number of public institutions.

4. Ensuring the free online access to national legislation;

The project proposal submitted by the Ministry of Justice to the Managing Authority for the Operational Programme Administrative Capacity Development has been selected for funding.

The provisions of the financing agreement include a two year implementation period, starting October 10, 2012. The procurement process for goods and services is under way.

5. Developing electronic tools to manage subpoenas and facilitate access to information regarding legal proceedings;

With the financial support of the Specific Programme “Criminal Justice” of the European Union, the Ministry of Justice improved the Romanian Courts’ of Law portal by developing the use of electronic tools by managing the procedures for communication of subpoenas and for inserting within the Court’s portal of general search engine.

6. Developing electronic tools to manage the procedures related to obtaining the Romanian citizenship;

The project proposal submitted by the Ministry of Justice to the Managing Authority for the Operational Programme Administrative Capacity Development has been selected for funding. However, according to notices received from the Authority, the implementation is put on hold due to the lack of funds.

7. Developing electronic tools to manage the procedures related to the creation of non-profit legal persons;

The project proposal submitted by the Ministry of Justice to the Managing Authority for the Operational Programme Administrative Capacity Development has been selected for funding. However, according to notices received from the Authority, the implementation is put on hold due to the lack of funds.

8. The Integrated System for Electronic Access to Justice (SIIAEJ) designed to offer litigants the possibility to electronically submit documents for the cases pending trial, as well as to undergo certain legal procedures online, where possible;

For the development of this system, the Ministry of Justice started the procurement process for a feasibility study.

## IV. Identified challenges

**The main issues encountered in the implementation of commitments, as identified by the ministries, are:** the lack of personnel, more specifically, of qualified personnel in the field of open data, the difficult process to incorporate the web pages of different institutions following the process of institutional restructuring, the collection of various data from the different departments within a ministry, information management issues on an institutional level.

Due to the poor understanding of the utility and need of publishing the data in an open, reusable format and the resistance encountered in the process, increased efforts are needed to prove the importance of the issue.

Among the reasons that cause this situation is the feeling that the employees responsible for providing the open data would be personally accountable for the accuracy of the published datasets. In this respect, the Chancellery of the Prime-Minister has developed a licence example, based on the Creative Commons Attribution and on the Open Data Commons Attribution, that may be used by those providing the data for publication. In June, 2013, the Chancellery requested from the National Supervisory Authority for Personal Data Processing a set of Guidelines on the means and level of personal data anonymisation required to publish databases. A standpoint of the Authority will be formulated after the meeting of the Article 29 Working Party that will be held at the beginning of October 2013.

Another issue, identified both by the civil society and the public institutions, is the lack of standards for open data and internal procedures for the creation and handling of data. This only reinforces the need to develop a Code of Procedures for the publication of open data.

## **V. Recommendations from the civil society**

As a result of the public consultation on the Draft Self Assessment Report for the implementation of National Action Plan measures for year 2012, the following comments and recommendations were received:

- a training stage should be made compulsory for the designated responsible persons in all public institutions involved, in order to avoid implementation of open data actions in an improper or uncoordinated manner;
- given the particularities in the fields of action of the different subordinated agencies, each should be considered separately in the Action Plan framework, and the level of implementation should be assessed separately for the ministries and their subordinated agencies;
- a clear deadline should be set for the development of action plans by the ministries;
- Law no.109/2007 should be amended to include the provisions of Directive 2013/37/UE.
- the Department for Online Services and Design does not have the means to coerce or penalize the public authorities in case they do not meet the action plan commitments;
- a more detailed methodology should be put in place on how to establish the level of fulfilment for each action;
- as far as the technical means are concerned, the current situation differs from one ministry to the other. Part of the public institutions are working with private companies providing IT services, others have expert employees on the field, while others do not even have an IT department, working with employees, from various departments, that are only knowledgeable in the field. These differences are even more pronounced at the local level, where the lack of IT experts is significant, but are also present at the central level;
- as there are public institutions currently working on developing or changing their information systems, these efforts should be correlated with the process of open data publication;
- some of the public institutions do not have any standards in place for the creation and use of data, nor any procedures for handling this data;
- there are public institutions where there is no concern for the regular collection of data, nor a central database to store it, thus altering the integrity of data within that institution.

## **VI. Conclusion, Recommitment to OGP Participation, and Next Steps**

Following the process of institutional restructuring that took place at the end of 2012 and the beginning of 2013, a new department was created, under the direct subordination of the Prime-Minister that would be responsible for the coordination of the process of open data publishing. Thus, a series of lags in the implementation of commitments have been solved or reduced and progress has been made to ensure the institutional capacity-building required for the publishing of open data. An adequate framework has been established for public consultation and increased citizen participation in the open data publishing process. By promoting the open government principles, the central public administration aims to develop projects that would improve the management of public resources.

**By means of this document, the Government of Romania re-affirms its commitment to uphold the necessary measures for the implementation of the 2012-2014 National Action Plan, promoting government transparency, increased civic participation in public life and the use of new technologies in order to enhance administrative efficiency and fight corruption.**

The planned next steps in the implementation of OGP principles are:

1. to publish the feedback on the public comments that resulted from the consultation process on the Draft Self Assessment Report;
2. to focus on solving the unfulfilled or partially fulfilled commitments from the year 2012;
3. to organise public consultations on the re-assessment and update of the National Action Plan for 2013-2014, in order to make it more goal-oriented and to establish clear results indicators;
4. to develop a Code of Practice for the publication of open data;
5. to continue the series of public consultations with the civil society and private sector in order to involve them in the implementation of the OGP Plan and establish standards for the gathering, prioritizing and publishing of high-value open data;
6. to hold regular meetings with the representatives of all involved institutions, focused on identifying and solving implementation challenges;
7. to promote best practices and keeping citizens informed on the open data publishing process;

8. to fulfil the planned actions for the year 2013: Challenge no. 2: Standardizing procedures, taking into consideration the outcome of the public consultation on the National Plan re-assessment:

- a) having a uniform publishing format of open data, so that they may be machine-readable;
- b) establishing procedures to translate public information needs into recommendations made by the civil society regarding the publication of certain data sets;
- c) establishing procedures to allow citizens to complain against the breach of obligations incumbent upon public authorities in the field of open data;
- d) creating a mechanism of consultation between the suppliers and the beneficiaries of public open data;
- e) creating a rating system for the published open data and comparing the results with the high-value attributed by the publisher of open data;
- f) routinely publishing on the web page of each institution of the following:
  - data sets that support public policies;
  - data sets that contain statistics relevant for the activity of the public institution;
  - data sets that reflect the performance of the public service delivered by the public institution.

9. to launch the single open data gateway earlier than initially planned. The datasets will be selected depending on their relevance for the civil society or their high-value for the economy sector (data related to public procurement, carriers permits for international freight routes and persons transport licenses, information on licensing companies for various commercial activities and so on).