



## Open Government Partnership National Action Plan

### **I. INTRODUCTION**

Shortly after the official launching of the Open Government Partnership, the Romanian Government rallied behind the values promoted by this multilateral initiative. In a letter addressed by the Romanian minister of foreign affairs to its American counterpart, the Government expressed its will to become part of one the most important instruments to promote governmental transparency globally, to increase civic participation in public life and to use new technologies in order to enhance administrative efficiency and fight corruption.

Transparency towards citizens and the civil society is one of the 13 guiding principles underlining the 2012 Government Program. Enhancing the consultation process when drafting public policies, as well as ensuring the transparency of public expenditure, public procurement and the implementation of projects financed by European structural funds, count among the priorities mentioned in the Government's Program.

The Romanian Government's initiative also responds to the strong signal given in December 2011 by the European Commission by the presentation of the Open Data Package. The package contains a Communication from the Commission addressed to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *Open data – An engine for innovation, growth and transparent governance*. The Commission set forth a calendar of actions to start in 2012. The package presented by the Commission also includes a proposal for revising Directive 2003/98/CE on the re-use of public sector information.

The OGP National Action Plan reflects the priorities of the Romanian Government with regard to promoting good governance. The short and medium-term measures planned to be effected express Romania's determination to implement the OGP commitments, with a special note being given to the following challenges:

- improving public services;
- increasing public integrity;
- more effectively managing public resources.

The main sets of commitments set forth aim to facilitate public access to open data and to on-line public services.

### **II. OPEN GOVERNMENT EFFORTS TO DATE**

Romania has laid out the foundation on which to build a set of open government commitments. The laws regulating transparency in the decision-making process and freedom of information have been shaping Romanian civic life for almost a decade. Asset declaration and conflict of interest rules regarding public officials are internationally recognized examples of good practices. The publicity of public procurement and budget policy are also functional, albeit not perfect mechanisms.



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The public administration has lately become more aware of the role information technology plays in order to facilitate the delivery of public services to the citizens and to facilitate public access to information. Various e-government projects are currently available to the general public. Their complexity varies from interrogation of public databases to on-line payments of fiscal duties. The Government is nevertheless aware that the efforts undertaken so far to open administration for the citizens are just the first stages of a more complex construction, capable to respond to the increasing public interest in the administration and capable to adjust to the advancement of technology.

*The Strategy for better regulation of the central administration (2008 – 2013)* underlines the need to enhance the process of consultation with the civil society and especially the development of a culture of communication between the central public administration and those interested in the early stages of lawmaking. *The Government Annual Work Plan* will also allow the civil society to have advance access to the most important initiatives that public institutions propose for the government agenda.

The OGP objectives are complementary to those set forth in the National Anticorruption Strategy, being aimed at achieving the same encompassing goal of strengthening public integrity and accountability of governance. Enhancing institutional transparency by increasing the degree of availability of open public data is one of the specific objectives of the National Anticorruption Strategy, approved by Government Decision no. 215/2012. To this end, the Strategy mentions the following measures to be taken:

- taking the steps to join the Open Government Partnership;
- ensuring the compliance with the laws regulating freedom of information and transparency in the decision-making process;
- developing e-government / e-administration / e-justice platforms for citizens to access public services;

The National Action Plan tackles the open government concept from the perspective of two pillars of public transparency, which, although complementary, can be addressed separately: public access to open data and the offering of public services in an electronic format (e-government).

### **III. OGP COMMITMENTS**

Non-governmental organizations were consulted in order to identify the commitments the Government should treat as priorities in order to increase transparency in public administration. This process highlighted the need for the Action Plan to emphasize the importance of open data and to ensure that they are delivered free of cost, and in an accessible, primary and reusable format. The consultations also revealed the priority order of the type of data the civil society perceives to be fundamental in order to respond to the public information need and to demonstrate that the Government has assumed realistic transparency commitments. Thus, the Action Plan treats as a priority the publication of data sets related to the administration of public funds (public



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procurement, budgetary policy and budget execution), alongside making available in an open data format the information already subject to disclosure by the public institutions.

### **A. FACILITATING PUBLIC ACCESS TO OPEN DATA**

Public open data refers to data generated or collected by public authorities, which are made available to the citizens to re-use and re-distribute free of charge and in an accessible format. Open data are machine-readable, are delivered in a format that is not under an exclusive control and benefit from an open license, which allows for the free usage of data, including for commercial purposes, without intellectual property rights limitations.

At the EU level, the principle of reusing public data is regulated by Directive no. 2003/98/CE, which was reflected at national level by Law no. 109/2007 regarding the re-use of public information. The law stipulates that non-commercial 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, especially by creating electronic lists and directories containing the most important documents meant for re-use.

Moreover, Law no. 544/2001 regarding the free access to information of public interest stipulates the categories of information that public authorities have the obligation to disclose *ex officio* and, as a rule, free of charge, as well as exceptions to this principle.

Although the existing legal framework stipulates both the obligation of the administration to allow access to the public information it holds, and the users' right to freely re-use the information, citizens' effective possibility to have easy access to data is hampered both by the unavailability of such data in an open format, and also by the reticence of public authorities to voluntarily publish data sets that are not subject to a formal legal disclosure obligation.

Building upon the existing legal framework and attempting to find solutions to the identified challenges, the Government intends to adopt a set of measures in the field of public open data, which will gradually allow for the implementation of the commitments Romania assumed by joining the OGP Initiative, until the end of 2014. In this approach, the administration's efforts to make public data open for citizens and to increase their awareness regarding the benefits of data re-usage will be aimed each year primarily towards the measures more able to respond to the identified major challenges: (1) assuming responsibility, (2) standardizing procedures and (3) maximizing results.

Facilitating access to the information produced by the public sector will increase citizens' trust and involvement in the governance process. Regular release of high-value data sets will contribute to enhance the efficiency of public resource



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management and the accountability of the authorities to citizens, while also encourage the use of new technology and entrepreneurial solutions.

Besides ensuring the transparency and efficiency of the governance process, delivering information in an open data format represents an opportunity to diversify economic activities, thereby increasing the quality of public services and leading to new job opportunities. Millions of users may benefit from incorporating raw data into web services and applications for smart phones: maps, real-time traffic information, weather conditions, price-comparing tools and many more.

### ***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 data sets 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 data sets). This will also include data sets collected by the authorities in order to support public decision-making;
- d) priority publishing on the web page of each institution of the following:
  - data sets identified according to the above paragraph;
  - data sets that are subject to compulsory disclosure according to Law no. 544/2001;
  - data sets that are referred to by the last activity report of the institution;
  - data sets regarding transparency in the decision-making process (documents that support legislative proposals, subject to public consultation according to Law no. 52/2003);
  - data sets 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.: data sets regarding 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.

### ***Year 2013 – Challenge no. 2: Standardizing procedures***

- a) having an 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;



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- 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.

### **Year 2014 – Challenge no. 3: Maximizing results**

- a) integrating the open data published by public institutions in a single national platform (ex.: datedeschise.guv.ro);
- b) creating inventories of data in order to facilitate public access;
- c) instituting a permanent monitoring mechanism of compliance to open data procedures;
- d) stimulating the market to make innovative use of open data, including by concluding partnerships or developing other forms of cooperation with the user community;
- e) routinely publishing of data sets on the national platform, a quarter of which to be considered high-value.

Where needed, the national pool of expertise may be incremented by use of the international cooperation mechanism set up under the OGP Network, which unites various governmental and non-governmental partners specialized in the field of open governance.

## **B. INCREASING PUBLIC ACCESS TO INFORMATION AND ON-LINE PUBLIC SERVICES**

Building upon existing efforts to increase the efficiency of on-line public services, the Government intends to develop eight e-government platforms, which were identified as responding to major needs of the public who interacts with the public administration.

### **1. The Public Procurement Electronic System (SEAP)**

The SEAP portal will expand in order to technically integrate the legal provisions governing the public – private partnership. By assuming this commitment, the Government intends to bring substantial enhancements to the portal by the end of 2012, which may allow for:

- access of public institutions and economic contractors to the on-line public procurement process;
- tracking the public procurement process;
- standardized procurement procedures applicable to public authorities;
- the possibility for any entity to audit the procurement process;
- unrestricted access to the procurement documents published by the public institutions.



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### **2. 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. By assuming this commitment, the Government intends to achieve the following by the end of 2012:

- suppress immediate contact between transporters and the representative of the public institution, which should in turn diminish bureaucracy and corruption;
- significantly reduce the time needed to obtain permits;
- enhance the quality of services provided to the citizens and companies.

### **3. Expanding the on-line submission of fiscal forms**

Since 2004, The National Fiscal Administration Agency (ANAF) has implemented the on-line system for the submission of fiscal forms by high-budget taxpayers, using the National Electronic System (SEN). Subsequently, the system has been enlarged to accommodate low- and medium-budget taxpayers. More recently, the e-guvernare.ro portal has allowed for the submission of digitally signed fiscal forms. By the end of 2015, the Government intends to expand the system so that it may accommodate all types of taxpayers and fiscal obligations.

### **4. Ensuring the free on-line access to national legislation**

Both at EU and national levels, an essential prerequisite for legal compliance is guaranteeing free access to legislation. In this context and in order to fit the European standards, it is necessary to ensure the free access of citizens to updated national legislation. By the end of 2015, the Government aims to provide both Romanian and European residents (the latter through the N-Lex portal) with a national legislative database, handled by the Ministry of Justice, as an essential condition for knowing, complying with and enforcing the law in any field.

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

As recommended by best European practices, the Government commits to increase the level of on-line public services delivered by the judiciary. In order to overcome the limitations of the current court portal, new modules are to be developed by the end of 2013 which will allow for the management of on-line subpoenas for persons whose address is known (supporting the electronic communication of subpoenas) and will facilitate the access to information regarding all the cases pending trial.

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

This project, currently under analysis in order to obtain financing, is aimed at the unification and development of the applications used for managing the procedures related to obtaining, regaining and disclaiming the Romanian citizenship. In particular, it focuses on the following:

- generating pre-defined and general statistics;
- developing a secure site in order for petitioners to submit electronically the applications for citizenship;





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- offering the possibility to submit documents electronically;
- implementing standard forms for collecting relevant data;
- implementing a bar-code system to be printed on the forms submitted by the petitioners, which would facilitate the verification and validation of data.

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

This project, currently under analysis in order to obtain financing, is aimed at:

- developing a web-type application for the electronic archive currently deposited in the national registry of non-profit legal persons;
- generating pre-defined and general statistics;
- developing a secure site in order for petitioners to submit electronically the applications for setting-up associations, foundations or federations;
- offering the possibility to submit documents electronically;
- implementing standard forms for collecting relevant data;
- implementing a bar-code system to be printed on the forms submitted by the petitioners, which would facilitate the verification and validation of data.

### **8. The Integrated System for Electronic Access to Justice (SIAEJ)**

The SIAEJ portal, which is currently undergoing the pre-feasibility study phase, is designed to offer litigants the possibility to electronically submit documents for the cases pending trial, as well as to undergo certain legal procedures on-line, where possible. It will also create the possibility for judges, bailiffs, attorneys, parties or other interested persons to review case documents on-line, based on access rights. The electronic documents will be stored by means of a centralized data storage module, along with the meta-data for all cases.

## **IV. MONITORING**

The implementation of the measures set forth in the Action Plan will be monitored by the Platform for cooperation with the civil society, set up by the National Anticorruption Strategy. According to the obligations assumed under the Open Government Partnership, Romania is due to submit its first annual report on the progress of implementing the Action Plan within a year after posting it on the OGP portal.

To this end, within the framework of the Platform's reunions scheduled to take place every two months, the Technical Secretariat of the National Anticorruption Strategy shall submit reports, prepared in collaboration with the Secretariat General of the Government, regarding the steps taken by the public administration in its effort to implement the Action Plan. Taking advantage of the mechanism set up under the National Anticorruption Strategy, the Technical Secretariat will carry out monitoring activities, which will include regular implementation updates, as well as the documentation and dissemination of good practices. The list of recommendations made by the civil society representatives who attended the consultation process, regarding the data sets whose publication is considered to take priority, counts among the instruments to be developed within the framework of the Platform.