



Policy Brief

OPEN GOVERNMENT DATA: KEY TO A TRANSPARENT, ACCOUNTABLE, AND PARTICIPATORY SOCIETY

Introduction

Rapid development of Information and Communication Technology (ICT) and the wide use of the internet have increasingly facilitated the public access to information. In particular, portals of public institutions are becoming the central source of information about public sector's operation. Recognizing this trend of technological development, government institutions are fostering the provision of online services through development of e-government platforms. This is playing a crucial role in promoting transparency and increasing active public participation in policy- and decision-making processes.

Open Government Data (OGD) is now a widely used term, attempting to capture this recently growing disclosure phenomenon. The term has come into prominence relatively recently, becoming popular in 2008.¹ OGD was initially promoted by a group of leaders and activists, who, in December 2007, met to discuss and further decompose the concept of open public data.² Soon after, the importance of public data, the inter-

net potential and the value of making the data available via internet was increasingly acknowledged. Today, the concept of freedom to access information has evolved, moving towards proactive initiatives of public institutions to disclose public data. It has become a political objective and commitment in many countries.³

Despite the growing importance around the world, particularly in the affluent countries, Kosovo is still considered a relatively closed country in terms of public data disclosure. The main issue is that it largely practices a passive form of access to information based on individual requests. The processing of these requests is time-consuming; in many cases the requests even fail to be processed at all.

Over the recent years, however, it is worth pointing out that Kosovo has undergone through some minor improvements. The availability of business data or the data of political institutions such as Procurement Review Body, Office of the General Auditor and Public

1 http://www.opendataforum.info/files/OECD_Barbara_Ubaldi.pdf

2 <https://www.data.gov/blog/open-data-history>

3 http://www.opendataforum.info/files/OECD_Barbara_Ubaldi.pdf

Procurement Regulatory Commission has improved. However, the data are provided in either PDF or Word versions, but not in an open format. Another improvement has to do with the *Law on Access to Public Documents*; for instance, the deadline for institutional response is now reduced to seven days, comparing to 15 days in the previous law. Lastly, an open data portal is a potential move from the relevant government institutions.

Given the current context, this policy brief seeks to: (i) provide some more detailed information on the OGD concept and on the benefits that it yields; (ii) further describe the current state of Kosovo with regards to access to information; (iii) bring forward a successful case from the region; and (iv) to provide recommendations that can contribute to the advancement of public data disclosure.

1. The meaning of the open government data (OGD)

OGD are data produced or commissioned by government and government owned entities and published in online platforms.⁴ The OGD platform enables the government and organizations to open their data, so that they can be freely available and easily accessible online. To be more specific, the data are considered open for the public if they are complete, primary, timely, structured, accessible, machine processable, non-discriminatory, non-proprietary, and without any form of licensing or patent.

⁴ <http://opengovernmentdata.org/#sthash.q3iFN8iA.dpuf>

Why Open Government Data?

According to Open Government Directive, there are three main reasons for opening government data, and that includes:

- **TRANSPARENCY*** – For citizens to know what their government is doing, first of all they must be able to freely access government data and information, as well as share and reuse them.
- **RELEASING SOCIAL AND COMMERCIAL VALUE** – open government data contributes through providing valuable data/information to the society, for both social and commercial purposes.
- **PARTICIPATION AND ENGAGEMENT** – Enables both, the society and the government, to perform more effectively. Society gets directly informed and can influence the decision-making.

* "Transparency is considered the traditional hallmark of an open government, meaning that the public should have access to government-held information and be informed of government proceedings." (Open Source)

What data to be available?

Public datasets that have the potential uses and applications, or that are considered as a reference for many stakeholders include:

- **FINANCIAL INFORMATION:** – Data such as government accounts (expenditure and revenue) and information on financial markets (stocks, shares, bonds etc.).
- **STATISTICAL INFORMATION:** Data that derive from the statistical agencies and offices such as the census and key socioeconomic indicators.
- **BUSINESS INFORMATION:** Finformation on official business registers (including information from the Chamber of Commerce).
- **SOCIAL INFORMATION:** including various types of statistics on economics, employment, health, population, public administration including climate data and models and weather forecasts
- **GEOGRAPHIC AND TRANSPORT INFORMATION:** address information, aerial photos, buildings, cadastral information, geodetic networks, geology, hydrographical data and topographic information. And transport information - including information on traffic congestion, work on roads, public transport and vehicle registration.
- **ENVIRONMENT AND METEOROLOGICAL INFORMATION:** Information regarding the level of pollution, the quality of rivers and soil. Moreover, meteorological data including climate data and models and weather forecasts

2. The access to data in Kosovo

In Kosovo, the right to access public documents is guaranteed by a constitutional provision. More precisely, the Article 41 (Right of Access to Public Documents) of the Constitution states that:

“Every person has the right of access to public documents. Documents of public institutions and organs of state authorities are public, except for information that is limited by law due to privacy, trade secrets or classified security information.”⁵

In addition, the Law No. 03 / L-215 on Public Access to Documents, deriving from Article 41 of the Constitution of the Republic of Kosovo, governs the procedure which enable each Kosovan citizen to have free access to public information. That law states that,

“[...]every natural and legal person shall have the guaranteed right to have access, without discrimination on any grounds, following a prior application, to official documents maintained, drawn or received by the public institutions. Documents shall be made accessible to the public based on a direct request, either following a written application or in electronic form, with exception to information restricted by Law.”⁶

The law itself suggests time-consuming procedure and process, which hinders the access to data by wid-

er audience and impedes data utilisation. In this regard, according to the Law the process of application for access to official documents entails several days of processing the application.

‘The public authority shall, within seven (7) days from registration of the application, be obliged to issue a decision, either granting access to the document requested, or provide a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make an application for review. Refusal of the request is done with a decision in writing for its refusal.’⁷

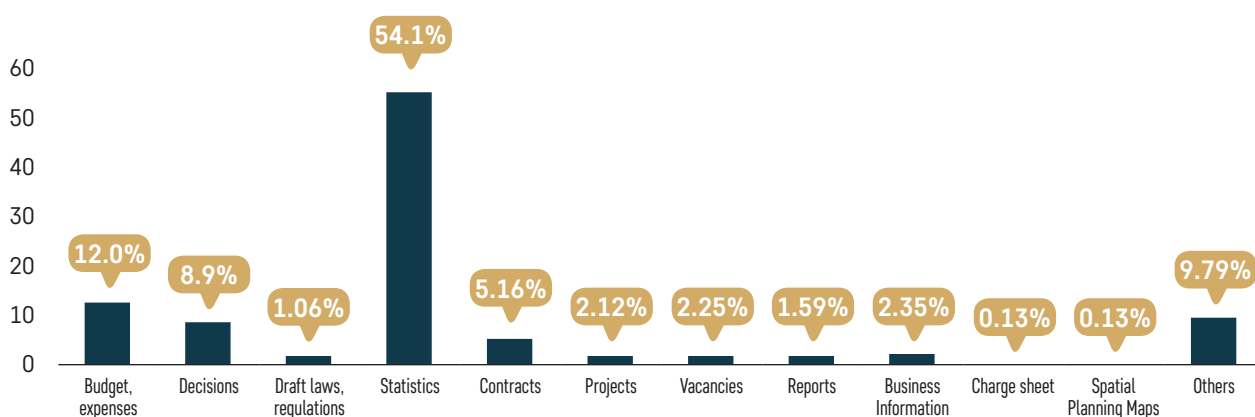
Moreover, the law on public access to documents obliges public institutions to assign units or officers who will be responsible to receive and conduct the initial review of the application for access to documents. Respectively, obliged by this law, the Public Communication Office (PCO) in the office of the Prime Minister was established and aims to become the central point of access to information and provide government services. The data which PCO have collected for the Comprehensive Report on the achievement of the right to access public documents by public institutions (Annual Report, 2014), reveal the types of documents to which access was requested, entities that have requested these documents, and the total number of the requests.

5 Constitution of the Republic of Kosovo, <http://www.kryeministri-ks.net/repository/docs/Kushtetuta.e.Republikes.se.Kosoves.pdf>

6 Law No. 03 / L-215, Public Access to Documents

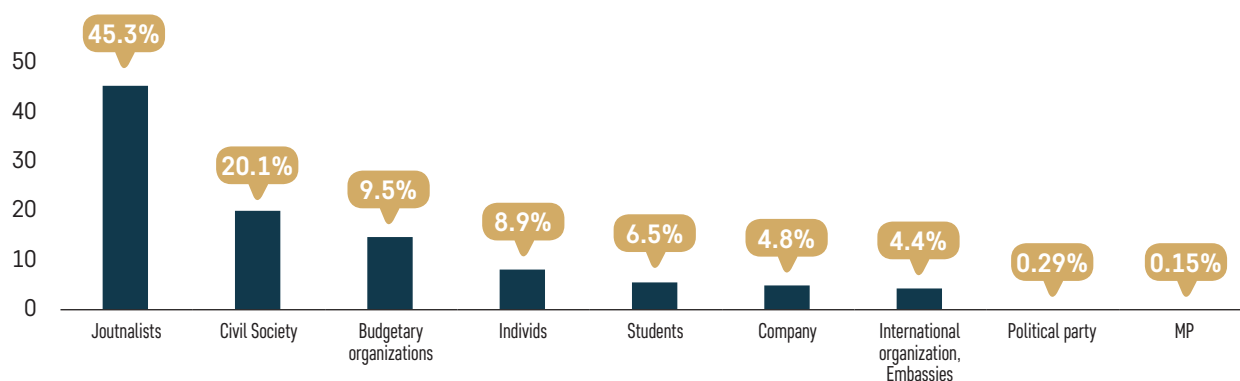
7 Law No. 03 / L-215, Public Access to Documents

FIG. 1 Type of documents of the Government of the Republic of Kosovo to which access was requested



Source: Public Communication Office in the Office of the Prime Minister, Annual Report 2014⁸

FIG. 2 Profile of parties that made requests to the Government of the Republic of Kosovo¹⁰



Source: Public Communication Office in the Office of the Prime Minister, Annual Report 2014

As Figure 1 shows, in 2014 the most requested information are statistics with around 54 percent, budget and expenses with 12 percent, decisions issued by the institutions with roughly 9 percent, and just over 5 percent of requests were for contracts. Other documents requested by government institutions are draft laws and regulations around 1 percent, projects with 2 percent, vacancies with approximately 2 percent, reports with around 2 percent, business information just above 2 percent, charge sheet with less than 1 percent, spatial planning map with also less than 1 percent, and other requests count around 10 percent.⁹

As Figure 2 shows, among the most noticeable entities that made requests to the Government of the Republic of Kosovo are journalists and the civil society with around 45 percent and approximately 20 percent, respectively; followed by budgetary organizations and individuals with around 9 percent each, students with roughly 7 percent, companies with around 5 percent, international organizations and embassies with just above 4 percent. Finally political parties and MPs make less than 1 percent from the overall requests.

The total number of requests for access to public documents at the Government of the Republic of Kosovo and subordinate institutions during 2014 was 851. From these, for 736 requests the access was granted, 9 requests were rejected, 25 of them obtained restricted access, 25 of requests did not get any response, and 56 were classified as other – which means that the

requesters were asked to provide further clarifications regarding the requested document, or their request was readdressed to another institution. Putting it differently, institutions receive only 2.3 requests per day – this is very low compared to what it could be if a proper OGD platform was put in place. Bureaucratic procedures and delays are the main reasons for the situation that Kosovo currently holds. A neighboring country such as Albania that publishes its public data to the Open Data Albania portal receives roughly 270 daily visitors that have free access and availability to use and reuse the public data.¹¹

2.1 The OGP and its initiative for the open data

The Open Government Partnership (OGP) is an initiative which was launched in 2011 to provide an international platform for domestic reformers committed to making governments around the world more open, accountable, and responsive to citizens. In an effort to provide an open government in the country, by mid-2013, civil society organizations in cooperation with the Government, namely the Ministry of European Integration started the process of integrating Kosovo in one of the most credible organizations for transparency and accountability, the Open Government Partnership (OGP). To join this platform it is necessary for each country, in a comprehensive process

8 <http://kryeministri-ks.net/repository/docs/ANG-FINAL.pdf>

9 Ibid 8

10 <http://kryeministri-ks.net/repository/docs/ANG-FINAL.pdf>

11 <http://www.easycounter.com/report/open.data.al>

with various local actors, to develop a National Action Plan, containing concrete actions to be implemented by public institutions. During early 2014, various local actors met to draft the National Action Plan 2014-2016 and submitted to the OGP headquarters. Due to political reasons mostly, Kosovo has not been accepted to be part of this global platform. Despite the rejection, the Government of Kosovo issued a decision, affirming its commitment to implement the action plan.

A centerpiece of this action plan is to build a single state online portal where the government data will be available. According to a monitoring report carried out by Riinvest in 2014, this plan has been completely neglected by the government.¹² Ironically, the new budget allocated for IT equipment and services in public institutions has plummeted, being close to 1/9 of the previous one. Moreover, there are no strategic documents nor other policies aimed at the development of open government data and the establishment of a basic institutional management framework in that area.

2.2 The 'Open Data Kosovo'

An international software engineer working in Kosovo has established an NGO called 'Open Data Kosovo' for the purpose of opening up data available in Kosovo. ODK is an organization that predominantly contributes to the development of a local and tech scene. The lab format of the ODK Organization provides trainings and engages local software developers to enhance the platform itself as well as build applications that use Kosovo's open data for the social good.¹³ Therefore, they are aiming to create a favorable environment for developers to build apps based on open data provided by government institutions – apps that will be interactive and entertaining for citizens.

Currently, ODK opens data collected by a limited number of institutions, 12 in total; of government and non-government institutions (i.e. 5 municipalities, 3 ministries and 4 NGO's). In addition, it also advocates for open data at all levels. ODK advantages include: strong grasp of emerging, enabling, and nascent

technologies, ability to quickly develop application with agile methodologies and rapid prototyping, and strong relationship with grassroots tech communities and regional transparency NGOs. However, the ODK still finds difficulties on convincing government officials on concepts of open data, which sometimes takes time before involved political actors are comfortable enough to open data.¹⁴

As per Mr Imeri from ODK¹⁵, the government has put some efforts in the Open Government Partnership principles and actions, and has shown interest to cooperate with Open Data Kosovo. When asked about the functions of the ODK towards fulfilling OGP purposes, Mr Imeri utters that Open Data Kosovo can serve through mentoring and advising political actors, providing technical support in both training and implementation of required digital infrastructures and platform, advocacy, policy making, and data journalism.

Finally, Open Data Kosovo in collaboration with the Ministry of European Integration and Information Society Agency are working towards the integrated module where the government may publish all the classified data. The domain search for this module is 'Portali i të dhënave të hapura' (Open data portal¹⁶), which already has eight datasets from eight different organizations. Nevertheless, there are no information on how this module will be functioning and which will be the results.

12 Monitoring Report, Riinvest, 2014

13 <http://opendatakosovo.org/open-data-kosovo-mission/>

14 P. Imeri, Director of Engineering, Open Data Kosovo, personal communication, July 3, 2015

15 Ibid 14

16 <http://data.rks-gov.net>

3. 'Make the data speak Albanian' – Open Data Albania

There are several models that different states and civil society organizations use to build open government data websites. These models include, *inter alia*, the United States website www.data.gov, and the United Kingdom website www.gov.uk. Both of them currently hold thousands of publications and datasets that can be searched by keyword in topic.¹⁷ The aforementioned websites besides promoting transparency and accountability through their online presence, they encourage the innovative use of data and the technology. The Albanian Institute of Science has introduced a similar solution in the Republic of Albania, through building up the platform and opening up government data.

According to Aranita Brahaj¹⁸ from the Albanian Institute of Science, Open Data is the philosophy that supports the use and the redistribution of the data with out any restriction. The Institute has initiated the Open Data Albania (ODA) project to mainly promote the Open Data principles. Thus, by mining all the available data on socio-economic indicators from the public institutions, then converting and publishing these data based on the latest information technologies.¹⁹

Open Data Albania (ODA) serves as the central archive for all the government data, which eases the search and the reuse of the public data. Clear and descriptive visualization of the data is of the main objective, as well as the preparation of research papers. The Open Data Albania (ODA) www.open.data.al was set up in the Albanian Institute of Science premises, utilizing its staff and budget for the project requirements. ODA gradually collects and opens the government data; it opens solely official data and information. The ODA staff makes requests to the respective government institutions when they plan to open up particular information. Selection of the datasets is a process that ensures they meet all the principles of open data and the methodology.

The Open Data Albania platform is very popular among journalists, and according to Aranita Brahaj media is the key partner to open data platform, as they continuously use information from ODA to inform the public on different socio-economic aspects.

17 The United States website offers more than 130.000 sets of government-held data, and the United Kingdom website currently consolidates information and services of 24 ministerial departments and more than 330 other agencies and public bodies

18 A. Brahaj, the Executive Director of the Albanian Institute of Science

19 <http://ais.al/new/>

4. Summary and Recommendation

The area of the Open Government Data (OGD) is still an untapped potential and which can be unleashed if the public data become open. This can happen, however, if only the data is free to use, machine readable, and without any restriction (legal, financial, or technological) towards its accessibility and re-use of the data by others. Albeit many countries in the world have embraced the Open Data initiative, the situation in Kosovo is not yet efficiently contributing to a better open data environment.

Right to access to public document laws in the Republic of Kosovo do not provide the defined guidelines on proactive information disclosure, consequently this prevents the development of transparency and accountability of public institutions. The legal framework in the web presence, particularly for the mandatory information is quite fragmented. All this shows a low level of development of web presence and transparency of public institution in Kosovo.

In this sense, it is of key importance to amend the law on Right of Access to Public Documents and increase online presence of public institutions, as this could raise the awareness about the value of availability and accessibility of information on official websites of institutions. Consequently, this would also contribute to the number of public documents requested to the Government of the Republic of Kosovo, which for 2014 was about 851²⁰ requests in total. The higher number of requests to public documents means higher participation and engagement of the society in general and higher influence in the decision-making processes. Kosovo may also draft a law which regulates everything related to OGD.

It is necessary to improve the existing documents in the area of development and maintenance of official websites of public institutions in accordance to the world's trends and practices, and adopt the documents to the corresponding institutions. More precisely, it is essential that the new versions of these documents to define the categories of the content, and the type of information that public institutions should proactively disclose.

Disclosed information from the government to the single platform such as the recently launched open data portal '<http://data.rks-gov.net>'²¹, could lead to a more informed society and highly transparent government. Furthermore, the data disclosed should be in accordance to the Open Data principles and enable the reuse through providing appropriate formats of the documents.

Finally, bearing in mind that the OGD is a new concept in the area, it is necessary to ensure continued training of employees of public bodies, especially employees charged with managing data, information and web content. Thus, the data to the state portal would promote modern trends of government openness, transparency and accountability.

20 <http://kryeministri-ks.net/repository/docs/ANG-FINAL.pdf>

21 <http://data.rks-gov.net/>

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