

Independent Reporting Mechanism (IRM): Denmark's Design Report 2019–2021

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Executive Summary: Denmark

Denmark's fourth action plan continues to mainly focus on fostering public trust and transparency through open data. Notable commitments include creating a database with information on workplace safety and the introduction of whistleblower protection schemes with in the sphere of the Ministry of Justice. Future action plans could focus on improving transparency around lobbying and political financing.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Denmark joined OGP in 2011. Since, Denmark has implemented three action plans. This report evaluates the design of Denmark's fourth action plan.

General overview of action plan

Denmark continues to perform well in most areas of transparency and anti-corruption. The fourth action plan continues to focus mainly on improving transparency and trust in the public sector through open data and digitisation initiatives. The commitments address a variety of topics, such as workplace safety, climate and water data, case handling in the social services sector, and whistleblower protection.

Denmark's multi-stakeholder forum met once to develop the commitments for the fourth action plan, and stakeholders were invited to provide proposals around the policy areas that the Agency for Digitisation (AfD) had already identified. While the process was open to anyone interested, few non-governmental stakeholders participated.

Notable commitments include creating a database with information on workplace safety (Commitment 2) and the introduction of whistleblower protection schemes within the sphere of the Ministry of Justice (Commitment 7).

Table 1. At a glance

Participating since: 2011
Action plan under review: 4
Report type: Design
Number of commitments: 7

Action plan development

Is there a multistakeholder forum:	Yes
Level of public influence:	Involve
Acted contrary to OGP process:	No

Action plan design

Commitments relevant to OGP values:	7 (100%)
Transformative commitments:	0
Potentially starred commitments:	0



Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
Commitment 2: Open data on workplace health and safety Create a centralised database with information on workplace environments in Denmark.	During implementation, the Danish Working Environment Authority could undertake awareness-raising activities such as hackathons to broaden interest and render data available to different user groups. This could be done with support from organisations such as Open Data.dk who facilitate open data seminars and inter-municipal data coordination.	<i>Note: this will be assessed at the end of the action plan cycle.</i>
Commitment 7: Whistleblower schemes within the Danish Ministry of Justice Introduce whistleblower protection mechanisms within the sphere of the Ministry of Justice.	The Ministry of Justice could share the ongoing reporting on the whistleblower schemes with civil society and allow for comments and inputs. In addition, the Ministry of Justice could undertake broader awareness-raising campaigns to ensure constructive perceptions of whistleblower schemes in public workplaces.	<i>Note: this will be assessed at the end of the action plan cycle.</i>

Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five KEY IRM Recommendations

Consider relocating the OGP mandate to an agency with greater policy-making influence within the Ministry of Finance or Ministry of Justice
Expand participation to a broader segment of stakeholders, including non-governmental organisations
Take initial steps towards the establishment of an open register on lobbying
Expand whistleblower schemes to encompass newly adopted EU directive
Close loopholes in the legal framework for political financing

ABOUT THE IRM

OGP’s Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

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I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

Denmark joined OGP in 2011. This report covers the development and design of Denmark's fourth action plan for 2019-2021.

The Independent Reporting Mechanism of OGP has partnered with Mikkel Otto Hansen and Nordic Consulting Group, Denmark, to conduct this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>

II. Open Government Context in Denmark

Denmark continues to rank among the best performers in transparency and anti-corruption worldwide. Despite several recent scandals related to misconduct in the private and public sectors, Danes demonstrate continued trust in authorities to address such challenges. The fourth action plan mainly addresses open data in the public sector but also includes the introduction of whistleblowing schemes within the sphere of the Ministry of Justice.

While maintaining its top position on Transparency International's Corruption Perceptions Index in 2019, Denmark lost points for the fifth consecutive year due to recent scandals and a lack of transparency with regards to lobbying and political financing.^{1 2} While trust in the integrity of public institutions remains high, Danes cannot obtain insight into decision-making processes at the national level as governments are entitled to retain key information from the public (see transparency and access to information, and accountability and anti-corruption sections below).

Denmark performs well on OGP's four eligibility criteria: access to information, fiscal transparency, public officials' asset disclosure, and citizen engagement.³ Denmark's previous action plans have mostly focused improving open data within the Danish public sector, promotion of public trust vis-à-vis digitisation, and strengthening open government globally.⁴ Denmark remains active in promoting open government and anti-corruption outside the OGP framework. Current and forthcoming initiatives outside OGP include management of the General Data Protection Regulation (GDPR), transparency and foreign aid, strengthening beneficial ownership, and amending laws on financial support to political parties. Many of these initiatives respond directly to recent corruption scandals and are implemented on an ongoing basis.

The Danish government instigated rapid measures to mitigate the spread of COVID-19, outside political negotiations. From the outset, these included suspension of all school and university activities, sending home employees in the public sector with "non-essential" jobs, and prohibition of events with more than 10 people, based on recommendations from key health authorities.⁵ Overall, the government has enjoyed widespread support from the public with its decisions to 'close down the country' despite recent criticism from the political opposition claiming that such policies were mere interpretations of the advice provided by health authorities.⁶

Government responses to the outbreak have not infringed on the constitutional rights of citizens and political demonstrations have been allowed throughout the period. However, civil society has raised concerns over the duration and proportionality of the so-called 'emergency laws' as they are exempt from public hearings and political negotiations. These laws grant the government enhanced powers to limit public gatherings, access private data, and increase penalties for crimes related to COVID-19.⁷

Transparency and access to information (legal framework and practice)

Denmark adopted the Public Access to Administrative Information Act, No. 280, in 1970. The 1970 law was then replaced by the Danish Access to Public Administrative Documents Act, No. 572, in 1985.⁸ Amendments introduced in 2014 (see previous IRM reports for discussion⁹) prevent access to documents that are shared between cabinet ministers and advisers. Critics of the 2014 amendments expressed concerns that they restricted access to internal documents shared between ministries and their agencies or parliamentarians. Critics also thought the amendments would remove access to ministerial calendars.¹⁰ The ombudsman reviewed the Access to Public Administrative Documents Act in 2017 and concluded that journalists often have to wait too long for responses to requests for information.¹¹ During the 2019 national elections, the public and a majority of the political parties called for amendments to the act. This was eventually rejected by the newly elected government based on a majority mandate.¹² Consequently, the Access to Public Administrative Files Act is likely to remain unchanged until the next election, in 2023.

Open data

The Danish public sector has undergone comprehensive digitisation and citizens have increasing access to a wide range of personal data online, including insight into progress on individual health and social

cases. According to the European Data Portal's 2019 Open Data Maturity Report, Denmark ranks as the 6th most data mature country among the EU28+ countries and has a clear strategic approach to the use and re-use of publicly available data.¹³ Denmark moved from being classified as an open data "Follower" to a "Fast-tracker" in the 2019 Open Data Maturity Report.¹⁴ Denmark also ranks high in Open Data Barometer's global index, measuring the extent to which governments publish data for the purpose of accountability, innovation, and social impact.¹⁵ A survey conducted by PricewaterhouseCoopers Denmark (PwC) in 2019 indicated that Danes' trust in public authorities' ability to manage data is slightly above average with an index score of 60 out of 100.¹⁶

The Danish government has worked to ensure that the ongoing digitisation of the public sector is accompanied by public trust. This has been a key focus area for Denmark's participation in OGP. For example, in the 2017-2019 action plan, Denmark developed a distribution platform ("Datafordeleren") which allows users to access, download, and combine data from a single location. However, while Danes find themselves with increasing access to personal and digitised data, there is a lack of access to political data which inhibits public accountability. This ultimately obscures important decision-making processes including the introduction of legislation and the reasoning behind budget allocations.

Civil Liberties and Civic Space

Denmark has a long-standing tradition of civil society engagement and political pluralism. In law, civil liberties and basic citizen rights (including freedom of expression, association, and assembly) are enshrined in the Danish constitution of 1849.¹⁷ In addition, Denmark has ratified a number of UN treaties, which are implemented by Danish institutions and often enforced by the Danish court system.

Denmark ranks among top countries according to the World Governance Indicators in terms of rule of law and citizens' opportunities to engage in political and societal activities.¹⁸ Non-governmental organisations (NGOs) are allowed to demonstrate and advocate on political issues without interference from authorities and frequently inform policy debates.¹⁹ In 2016, a 'citizen's proposal scheme' was adopted by the Danish government, which enables any citizen-driven proposal to be processed and voted on in the Danish parliament if it is supported with a minimum of 50,000 signatures.

The Danish state funds NGOs directly through the financial bill which is negotiated on an annual basis in parliament. In 2017, the former Danish government adopted a strategy for civil society to enhance the participation of socially vulnerable groups and strengthen the capacity of volunteer work.²⁰ The strategy was part of the previous OGP action plan (2017-2019), and will continue to be implemented until December 2021.²¹ As pointed out by the Agency for Digitisation (AfD), civic participation often takes place at the decentralised level whereby citizens and CSOs get involved through community meetings and discussions with local decision makers.²²

Accountability and anticorruption

Section 122 of the Danish Criminal Code forbids bribery. Under this section of the code, those who commit bribery of foreign public officials and companies can be held criminally liable for acts of corruption.²³ Although the government enforces anti-corruption laws effectively, Denmark has recently experienced several high-profile corruption and money-laundering scandals. In the fall of 2018, a \$234 billion money-laundering scandal at Danske Bank—among the largest scandals in European history and nearly equivalent to the size of the Danish economy—was revealed. The scandal involved misconduct from 2007 to 2015.²⁴

In 2018 Denmark decided to establish whistleblower protection schemes within the sphere of the Ministry of Justice in response to previous cases of misconduct within law enforcement agencies. This was subsequently expanded to encompass the entire state and its ministries.²⁵ Danish work culture is generally characterised by a high level of confidentiality, but public employees retain the right to disclose information to external actors in cases of misconduct or mismanagement that involves broader public interests. However, in such cases employees have had to undergo long court processes to exert their rights and avoid retaliation.²⁶ In October 2019, the EU adopted the so-called Directive on the protection of persons who report breaches of Union law, which entered into force on 16 December 2019. The directive requires all EU Member States including Denmark to transpose its provisions into their national legal and institutional systems by December 2021.²⁷ This will include mandatory whistleblower protection regarding reports of breaches of Union law for a large number of private companies and public institutions and require employers to inform employees of the function and

purpose of whistleblower mechanisms.²⁸ In accordance with previous IRM recommendations, whistleblower protection schemes within the sphere of the Ministry of Justice have been introduced in the current, fourth action plan (Commitment 7).

Denmark has received criticism for its non-transparent rules regarding the financing of political parties and lobbying. The European Council's Group of States against Corruption (GRECO) noted in a 2018 report that Denmark had implemented only six of the group's 14 recommendations from 2010. Those recommendations called for increased transparency regarding funding for parties and political candidates.²⁹ Like other Scandinavian countries, the Danish government does not currently publish records or data on the interactions between public officials and the private sector. While politicians tend to see lobbying as a positive contribution to decision making, civil society representatives have pointed out that political negotiations have increasingly moved away from parliament and into departments where information is unattainable.^{30 31}

In 2017, Denmark became one of the first countries in the world to establish a publicly accessible register of beneficial owners of companies. Denmark's register went beyond EU directive requirements and was highlighted as a best practice by the Financial Action Task Force (FATF) in 2019.³² The report emphasised the legal requirements of registering beneficial ownership information in Denmark and the potential of compulsory dissolution in cases of non-compliance. Information on beneficial ownership is available publicly without restrictions in a machine-readable format. However, the government eased requirements on specific beneficial ownership data entries after introducing the register and has been criticised by civil society for lack of compliance with newer EU directives.³³

Budget Transparency

Regulations on budget transparency and governance are laid down in the Danish Budget Law from 2012. The law confers unrestricted powers on decision-makers to allocate budgets within different public expenditures but does not formalise rules for public consultation and civil society engagement during formulation.³⁴ Similarly, political parties and the public are not entitled to obtain insight into the economic data that often constitutes the basis of political proposals or initiatives.³⁵ Budget proposals are placed on the public hearing portal (as are other legislative proposals). On occasion, when budget proposals run up against strict deadlines (e.g., at the end of the year), the public hearing may take place concurrently with the submission of the budget proposal to the portal—and within a short timeframe.

According to civil society representatives consulted for the previous IRM Design Report (2017-2019), the overall priorities for the budget proposal are not considered at the public hearing. Such negotiations take place privately among government and parliamentary representatives before the results are presented to the public through the hearing process.³⁶

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² Jyllands Posten, "Danmark topper anti-korruptionsliste trods flere tilbageslag", <https://jyllands-posten.dk/international/ECEI1893755/danmark-topper-antikorruptionsliste-trods-flere-tilbageslag/>

³ Open Government Partnership, Eligibility Criteria & OGP Values Check Assessment, updated 18 July 2018, <https://www.opengovpartnership.org/process/joining-ogp/eligibility-criteria/>

⁴ Agency for Digitisation (AfD), Denmark's National Action Plan 2019-2021, <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

⁵ International Monetary Fund (IMF) "Policy Responses to COVID-19, <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#D>

⁶ Andreas Wind, "Frederiksen om begrundelsen for nedlukningen: vi havde ikke tid til at overveje alle formuleringer", <https://www.altinget.dk/artikel/frederiksen-om-begrundelsen-for-nedlukningen-vi-havde-ikke-tid-til-at-overveje-alle-formuleringer>

⁷ Danish Institute for Human Rights & the Danish Bar and Law Society, "Covid-19-tiltag i Danmark – Retssikkerhedsmæssige og menneskeretlige konsekvenser" [In Danish],

https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/monitorering/rapport_covid-19.pdf, 0

⁸ Global Right to Information Rating, "The Danish Access to Public Administrative Documents Act," <https://www.rti-rating.org/wp-content/uploads/Denmark.pdf>

⁹ Mads Kæmsgaard Eberholst, "Denmark: Independent Reporting Mechanism Status Report 2014-2015," Independent Reporting Mechanism, <https://digst.dk/media/17719/27-og-denmark-2016-final.pdf>

¹⁰ Freedom House, "Freedom in the World: 2018 – Denmark", <https://freedomhouse.org/country/denmark/freedom-world/2018>; "Denmark Corruption Report," GAN Business Anti-Corruption Portal, [https://www.business-anti-](https://www.business-anti-corruption.com/country-profiles/denmark/)

[corruption.com/country-profiles/denmark/](https://www.business-anti-corruption.com/country-profiles/denmark/); and Kenneth Lund, "Folketinget har Vedtaget Omstridt Offentlighedslov," Politiken, <https://politiken.dk/indland/politik/art5456791/Folketinget-har-vedtaget-omstridt-offentlighedslov>

- ¹¹ "Ombudsmanden Efterlyser Reelle og Varige Forbedringer i Justitsministeriets Svartider i Sager om Aktindsigt," Parliament's Ombudsmand, https://www.ombudsmanden.dk/find/nyheder/alle/justitsministeriets_svartider_i_sager_om_aktindsigt/
- ¹² "Støttepartier tabte armlægning til S. Omstridt offentlighedslov bliver ikke lempet, Altinget, <https://www.altinget.dk/artikel/stoettepartier-tabte-armlaegning-til-s-omstridt-offentlighedslov-bliver-ikke-lempet>
- ¹³ European Data Portal, https://www.europeandataportal.eu/sites/default/files/open_data_maturity_report_2019.pdf
- ¹⁴ Ibid, pg 72.
- ¹⁵ Open Data Barometer, Denmark 2016, https://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=DNK
- ¹⁶ The index measures public trust in data management through ongoing surveys and according to different indicators such as confidentiality, data storage and authorities' intended use of data - PWC, "Tillidsbarometeret 2019 – Highlights", <https://www.pwc.dk/da/publikationer/2019/tillidsbarometer-2019-digitalisering-data.pdf>
- ¹⁷ For an English translation of the Danish Constitutions with explanations, see: https://www.ft.dk/~media/pdf/publikationer/english/my_constitutional_act_with_explanations.ashx
- ¹⁸ Worldwide Governance Indicators, <https://info.worldbank.org/governance/wgi/Home/Reports>
- ¹⁹ Freedom House, "Freedom in the World: 2019 – Denmark", <https://freedomhouse.org/country/denmark/freedom-world/2019>
- ²⁰ Ministry of Social Affairs and the Interior: "Strategi for et Stærkere Civilsamfund", <https://www.regeringen.dk/media/4154/strategi-for-et-staerkere-civilsamfund-pdf.pdf>
- ²¹ Mikkel Otto Hansen, "Independent Reporting Mechanism (IRM): Denmark's Implementation Report 2017-2019, https://www.opengovpartnership.org/wp-content/uploads/2020/06/Denmark_Implementation_Report_2017-2019_EN.pdf
- ²² Agency for Digitisation, "Denmark's National Action Plan 2019-2021", <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>
- ²³ See (in Danish) "Oversigt," Retsinformation.dk, <https://www.retsinformation.dk/Forms/R0710.aspx?id=164192>
- ²⁴ Jacob Gronholt-Pedersen, "Danske Bank cuts outlook as money laundering scandal weighs", <https://www.reuters.com/article/us-danske-bank-results/danske-bank-cuts-outlook-as-money-laundering-scandal-weighs-idUSKCN1S60GX>
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- ²⁷ Transparency International, A Vital Chance for Whistleblower Protection, <https://www.transparency.org/en/blog/a-vital-chance-for-whistleblower-protection>
- ²⁸ The Directive is applicable for companies with more than 50 staff members and municipalities with more than 10.000 inhabitants. Council of the European Union, "Bedre beskyttelse af whistleblowere: Nye EU-regler træder i kraft i 2021", <https://www.consilium.europa.eu/da/press/press-releases/2019/10/07/better-protection-of-whistle-blowers-new-eu-wide-rules-to-kick-in-in-2021/>
- ²⁹ Anders Reddar, "Danske Regler for Partistøtte får Igen International Kritik," Altinget, <https://www.altinget.dk/artikel/danske-regler-for-partistoette-faar-igen-international-kritik>
- ³⁰ Transparency International: Kan Politikerne ikke se borgerne for bare lobbyister?, <https://www.altinget.dk/christiansborg/artikel/transparency-international-kan-politikerne-ikke-se-borgerne-for-bare-lobbyister>
- ³¹ Transparency International & Open Knowledge Sweden, "Open Data and Political Integrity in the Nordic Region", 26 November 2019, https://www.transparency.it/wp-content/uploads/2019/11/Open_Data_Report.pdf
- ³² FATF "Best Practices on Financial Ownership for Legal Persons", October 2019, <https://www.fatf-gafi.org/media/fatf/documents/Best-Practices-Beneficial-Ownership-Legal-Persons.pdf>
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- ³⁴ OECD, "Country Profiles - Budgetary Governance in Practice : Denmark", <https://www.oecd.org/gov/budgeting/budgeting-and-public-expenditures-2019-denmark.pdf>
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III. Leadership and Multistakeholder Process

Denmark's multi-stakeholder forum met once to discuss the commitments for the fourth action plan. The Agency for Digitisation identified potential themes prior to the start of the co-creation process and discussed their potential inclusion in the action plan with implementing agencies. Public and online consultations were open for anyone interested, though few civil society stakeholders participated.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Denmark.

The Danish Agency for Digitisation (AfD) - situated within the Ministry of Finance - has overseen the OGP process since Denmark joined the partnership in 2011. During the previous, third OGP action plan cycle (2017-2019) the point of contact within AfD changed three times. The current point of contact took over in February 2020, overseeing the current, fourth action plan.

As confirmed by CSO representatives consulted by the IRM researcher and previous IRM reports, NGOs have had limited involvement because of the focus on digitisation in the public sector.¹ No high-level public officials have participated in the multi-stakeholder forums. OGP does not have a separate budget in Denmark, and most commitments are contingent on pre-existing initiatives within the Danish public sector. The decision to place OGP within AfD generally reflects the nature of commitments, which are predominantly focused on public trust and digitisation efforts.

3.2 Action plan co-creation process

The AfD designated 10 potential thematic topics for inclusion in Denmark's fourth action plan based on recommendations from previous IRM reports and from civil society. These topics were then presented to relevant public authorities who had the option of adding initiatives as commitments to the action plan. Proposals that were received included protection for whistleblowers, transparency and delegation of responsibility/liability and democratic decision-making processes, and initiatives concerning open data and open source.² The AfD also provided the public with opportunities to comment on these topics through online public hearings, which took place during a three-week period from August to September 2019.³

Denmark's OGP multi-stakeholder forum ("OGP netværksmødet"), which was created during the previous action plan (2017-2019), met once during the co-creation of the fourth action plan, on 25 September 2019. The co-creation process saw a decline in the number of civil society participants compared to the previous plan, with only one representative (from Open Knowledge Denmark) participating in the September 2019 multi-stakeholder forum meeting. During the meeting, AfD discussed recommendations made by the previous IRM report as well as the incoming initiatives received during the above-mentioned hearings. Participants then had the opportunity to comment on the selection of thematic areas for the action plan. Additionally, participants at the meeting discussed how to make commitments more participatory in the future and how open data should inform the public and contribute to open democratic debates. Finally, participants discussed how Denmark's participation in OGP could add more value and how civil society could play a larger role in the co-creation process.⁴

Additional outreach activities and individual stakeholder consultations did not occur during this process. An online forum was established in 2017 for updates on OGP activities and general discussions and debates, but it has not been active. Notwithstanding these challenges, the AfD remained open to suggestions from anyone interested and took active steps to ensure compliance with OGP's co-creation standards, most recently by creating the OGP multi-stakeholder forum during the previous action plan.⁵

The fourth action plan includes seven commitments as opposed to 14 in the previous plan. The reduction in commitments was a recommendation from civil society representatives. The action plan includes some high policy initiatives with relevance for anti-corruption in Denmark. Most notably, this entails the inclusion of whistleblower protection schemes within the sphere of the Ministry of Justice (Commitment 7). Similar to other commitments, this initiative predated the action plan and was included

after AfD encouraged authorities with responsibility for the implementation of the selected policy areas to submit their proposals for the fourth action plan.

For the next action plan, the IRM researcher recommends that AfD keep a log of activities conducted during the co-creation process to get a better overview of the scope of stakeholder consultations and to facilitate handover for potential new AfD points of contact to OGP. To increase civil society involvement in future action plans AfD could undertake a stakeholder mapping to identify new members to the forum and/or conduct individual stakeholder consultations as in previous cycles. This could also involve more participation from institutions such as Local Government Denmark (KL) which represents all Danish municipalities.

Table 4: Level of Public Influence

The IRM has adapted the International Association for Public Participation's (IAP2) "Spectrum of Participation" to apply to OGP.⁶ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

Level of public influence		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	
Involve ⁷	The government gave feedback on how public inputs were considered.	✓
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

OGP Participation and Co-Creation Standards

In 2017, OGP adopted OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

The following table provides an overview of Denmark's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

Multistakeholder Forum	Status
Ia. Forum established: Denmark's OGP multi-stakeholder forum ("OGP netværksmødet") was established during the third action plan cycle in 2018. Participation in the forum is open to everybody who is interested.	Green
Ib. Regularity: Participants of the multi-stakeholder forum met once during the co-creation process. In September 2019 participants requested that meetings	Yellow

remain limited to key deliverables in the OGP process such as submission of action plans and mid/end term evaluations.	
1c. Collaborative mandate development: While OGP participants and civil society stakeholders can provide inputs throughout the OGP process, AfD makes final decisions on action plans and the governance structure.	Yellow
1d. Mandate public: Denmark's OGP webpage contains basic information on Denmark's involvement in OGP, including regular updates on the OGP process. ⁸ However, the multi-stakeholder forum does not have a publicly available mandate (remit, membership, governance structure, etc.).	Yellow
2a. Multistakeholder: The OGP forum includes both governmental and non-governmental representatives.	Green
2b. Parity: The multi-stakeholder forum meeting in September 2019 had one participant from civil society. There is no available list of permanent government forum members, apart from AfD representatives.	Yellow
2c. Transparent selection: Nongovernmental members of the forum are selected through a fair and transparent process.	Green
2d. High-level government representation: The OGP forum has not yet involved any high-level representatives from the Danish government and AfD does not have a policy-making mandate.	Red
3a. Openness: The OGP forum accepts input and representation on the action plan process from any forum members, as well as from other stakeholders outside the forum.	Green
3b. Remote participation: The point of contact at AfD plans to incorporate opportunities for remote participation in future OGP meetings. During the development of the fourth action plan, there were no demands for remote participation among multi-stakeholder forum members.	Yellow
3c. Minutes: AfD consistently publishes minutes and reports on the official OGP website. Decisions and changes are directly communicated to OGP participants.	Green

Action Plan Development	
4a. Process transparency: AfD disseminates all relevant information on the official Danish OGP website.	Green
4b. Documentation in advance: AfD invites all interested parties well in advance of the OGP forums. Those interested can comment and add points to the agenda for meetings.	Green
4c. Awareness-raising: AfD reached out to previous participants and encouraged them to disseminate information on the OGP process via social media and their own networks. In addition, AfD asks implementing agencies if they had interested candidates in their network who could participate in the forum.	Green
4d. Communication channels: AfD maintained open communication channels throughout the OGP process and encourage feedback during midterm and end-of-term evaluations.	Green

4e. Reasoned response: While the AfD provided its reasoning behind the decisions for the fourth action plan in the action plan itself, there were no commitment proposals received from non-government stakeholders during the co-creation process.	Yellow
5a. Repository: AfD maintains a repository on the national OGP website in line with IRM guidance. Available documentation on the national OGP website includes meeting notes from multi-stakeholder meetings, mid- and end-term reviews prepared by the AfD, and IRM reports.	Green

¹ Cordelia Chesnutt, "Independent Reporting Mechanism (IRM) Progress Report 2017–2019: Denmark," Independent Reporting Mechanism, https://www.opengovpartnership.org/wp-content/uploads/2019/06/Denmark_Design-Report_2017-2019_EN.pdf

² Agency for Digitisation, "Denmark's National Action Plan 2019-2021", <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

³ The IRM researcher has not been able to obtain information on the number of proposals and initiatives received by the AfD. Nor has information been obtained on the subsequent discussions on commitments between AfD and other stakeholders.

⁴ Agency for Digitisation, "OGP Netværksmøder" [In Danish], <https://digst.dk/strategier/internationalt-samarbejde/open-government/ogp-netvaerksmoeder/>

⁵ Agency for Digitisation, "Denmark's National Action Plan 2019-2021", <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

⁶ "IAP2's Public Participation Spectrum" (IAP2, 2014),

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

⁷ OGP's Articles of Governance also establish participation and co-creation requirements a country must meet in their action plan development and implementation to act according to OGP process. Based on these requirements, Denmark did not act contrary to OGP process during the development of the 2019–2021 action plan.

⁸ Denmark's OGP involvement, <https://digst.dk/strategier/internationalt-samarbejde/open-government/>

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programmes.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance and Open Government Declaration* signed by all OGP-participating countries.¹ Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses can be found in the Annex of this report.

General Overview of the Commitments

Denmark's fourth action plan contains seven commitments structured around four themes: 1) open data, 2) securing trust in data processing by the public sector, and 3) supporting rule of law in the social sector and 4) whistle-blower schemes within the Danish Ministry of Justice. The main focus of the action plan addresses public trust through digitisation and open data initiatives. However, the action plan also includes a commitment on whistleblower protection within the sphere of the Ministry of Justice, a policy area recommended in the previous IRM Design Report (2017-2019).

¹ "Open Government Partnership: Articles of Governance" (OGP, 17 June 2019), <https://www.opengovpartnership.org/articles-of-governance/>

² "IRM Procedures Manual" (OGP), <https://www.opengovpartnership.org/documents/irm-procedures-manual>

I. The Danish National Archives provides open data to private individuals and professionals

Main Objective

“The commitment entails three activities:

- 1) Better presentation of metadata Information (metadata) about data (copies of the authorities’ IT systems) that are submitted to the Danish National Archives will be made available to users as soon as the data is received, allowing it to be referenced.
- 2) Improved overview of data: An overview of all state IT systems submitted to the Danish National Archives will be made available, allowing users to view the entire state system portfolio. At the present time, the Danish National Archives are only able to provide information about all public IT systems that are submitted for archival purposes. In future, the Danish National Archives will be able to provide information about all IT systems, be they reported, archived or obsolete.
- 3) Ability to provide data in a free, easy manner Data that is immediately available in accordance with the Danish Archives Act must be able to be freely provided in a user-friendly format. Ideally, data must be able to be downloaded.”¹

Milestones

- 1) Improved presentation of metadata: preparation of project, incl. analysis, implementation and marketing
- 2) Improved overview of data: the ongoing overview is provided via www.sa.dk.
- 3) Free and easy availability of data: choosing data that is particularly relevant to OGP values, preparation and development of download functionality

Editorial Note: For the complete text of this commitment, please see Denmark’s action plan at <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>, pp. 11-12).

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment analysis

This commitment aims to improve access to historical data held by Danish authorities. Specifically, it plans to improve the presentation and overview of historical data via the webpage of the Danish National Archives through an open and machine-readable format. It builds on Commitment 1 from Denmark’s previous action plan (2017-2019), which changed due to requirements stipulated by the European Union’s General Data Protection Regulation (GDPR).² In response to these challenges, the Danish National Archives decided to opt for a more secure approach with the present commitment that does not include publishing datasets with information at the personal level. The commitment is relevant to the OGP value of access to information, as it seeks to make historical data from public institutions available on an ongoing basis.

Danish state institutions are required by law to store and eventually forward to the Danish National Archives records with significance for research and public transparency. Hence, the Danish National Archives accumulates historical data on an ongoing basis touching on most aspects of the public domain. However, finding and retrieving publicly stored data on the Danish National Archives database is not entirely user-friendly.³ With this commitment, the Danish National Archives aims to ensure that this information is presented to citizens in a more user-friendly and easily accessible manner. The commitment does not specify how the presentation of data on the Danish National Archives webpage will be improved. Nor does it specify what new data will be made available, only that the data will be “particularly relevant to OGP values”. However, according to a representative of the Danish National

Archives, they expect the data released to fall mostly within natural science, such as climate and environment, through subpages that explain its content and scope.⁴

If implemented, this commitment could lead to a more simplified and accessible overview of historical data from various public authorities. This could capture the interest of a broader segment of users who will be able to access data within different themes without requesting it first. In addition, data may be used to engender new projects or services by enterprises. However, these changes will depend on the extent to which the Danish National Archives raises awareness of the datasets and provides examples of their potential use. As the IRM researcher cannot establish a tangible baseline of currently available data, and due to the lack of details on the planned improvements to the Danish National Archives webpage, it is difficult to assess the potential impact of this commitment as higher than minor. Successful implementation will likely depend on the quality of presented data on the Danish National Archives webpage.

¹ Danish Agency for Digitisation, "The Danish OGP National Action Plan 2019–2021," <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

² IRM Implementation Report 2017-2019, p. 6-7, https://www.opengovpartnership.org/wp-content/uploads/2020/06/Denmark_Implementation_Report_2017-2019_EN.pdf

³ "Stadsarkivar: Forslag til ny arkivlov forskelsbehandler borgere og kommuner", [in Danish] <https://www.altinget.dk/kultur/artikel/stadsarkivar-forslag-til-ny-arkivlov-forskelsbehandler-borgere-og-kommuner>

⁴ Interview with Anne Sofie Fink, The Danish National Archives, 28 April 2020.

2. Open data on workplace health and safety

Main Objective

“The overall goal of this commitment is to collect data about the working environment of companies and the Danish Working Environment Authority’s findings in a joint database and to make that data available to the public as open data.

The Danish Working Environment Authority possesses various pieces of information which are integrated into case management systems, etc., that have not yet been made available. Examples include information about feedback to Danish Working Environment Authority orders, data about working environment complaints and data from inspectors’ inspection notes. If this data is to add value in our society, it needs to be activated.

The database should not only hold the Danish Working Environment Authority’s current data. It should also be enriched with new data that can indicate the general state of the working environment and the potential in regards to preventative measures at companies. This may involve new internal data from registrations and new data from external actors, such as inspections data from the Danish Veterinary and Food Administration, the Danish Safety Technology Authority and the Danish Business Authority, salary and other information from the Danish Customs and Tax Administration (SKAT) about ability and willingness to pay etc.

Open working environment data is made available as presentations on the Danish Working Environment Authority’s website and on a new API solution. Benchmarking data is also presented for the individual companies in the ADVI self-service solution. To produce value from this commitment to qualify and present working environment data, the Danish Working Environment Authority will engage in ongoing dialogue with other public authorities, organisations, companies and other stakeholders about requirements for, use and value of data.”

Milestones

- 1) Development of technical platform
- 2) Develop API
- 3) Development of data about complaints, working environment, company statistics and work-related illness
- 4) Clarification of how users are using existing solutions and the need for new data and data solutions with a view to the plan for 2020.

Editorial Note: For the complete text of this commitment, please see Denmark’s action plan at <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>, pp 13-14.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Moderate

Commitment Analysis

This commitment aims to improve the quality and availability of data on workplaces by creating a centralised database administered by the Danish Working Environment Authority. With data from the Danish Working Environment Authority and from other relevant stakeholders such the Danish Safety Technology Authority, the database is expected to contribute to new, data-driven solutions and insights into work-related risks and opportunities in both the private and public spheres.

Currently, available data on workplace environments in Denmark is limited, not centrally located, and not in machine-readable format. Consequently, it can be difficult for workers and authorities to predict or determine safety risks and challenges at individual companies in different sectors. The lack of data in this area ultimately inhibits insight into how different working environments impact individuals. In 2018, an expert committee on working environment recommended that the use and quality of data in the area should be harnessed to improve the understanding of risks related to working environment and safety.¹

This commitment is relevant to the OGP value of access to information as it plans to improve the public's access to workplace data through a digital solution. The Danish Working Environment Authority also plans to "engage in dialogue with other public authorities, organisations, companies and other stakeholders about requirements for, use and value of data", thus also making the commitment relevant to the OGP value of civic participation. The platform will display new information such as data on workers' exposure to chemicals and on complaints on working environments. Furthermore, the platform will display data by combining multiple datasets which could enable new insights into correlations and trends in workplace environments. The Danish Working Environment Authority plans to expand available datasets on a yearly basis and undertake subsequent analyses by user groups to facilitate better application of the platform.²

If developed, the new database could facilitate better access to new and improved data on workplaces in an open format. This could be highly beneficial for technical advisors and labor inspectors who seek to improve working conditions and reduce accidents. It could also benefit journalists and academics who study trends within the Danish labour market for public information and research. While citizens are not necessarily the primary intended user group of the platform, it may provide them with an easy way to obtain insight into working conditions in specific sectors, such as the number of work-related accidents or use of chemicals in a given company. Therefore, the commitment is likely to contribute to more proactive working environment initiatives and more effective labour inspections as it could become easier to identify risks and map factors detrimental to workers' well-being.

To enhance the value of new and enriched working environment data, the IRM researcher recommends that the Danish Working Environment Authority undertake creative awareness-raising activities, such as hackathons, to broaden interest and render data available to different user groups. This could be done with support from organisations such as Open Data.dk, who facilitate open data seminars and inter-municipal data coordination.

¹ "Ekspertudvalgets anbefalinger", Ekspertudvalget om udredning af arbejdsmiljøindsatsen, <https://fho.dk/wp-content/uploads/lo/2018/09/arbmiljoe-ekspertudvalgetsanbefalinger-2018.pdf>

² Interview with Christoffer Rude, Digitisation and Data, Danish Working Environment Authority, 23 April 2020.

3. Climate-atlas

Main Objective

“The Climate Atlas has been prepared based on the DMI's own data, international partnerships and knowledge from UN global climate reports that are published at frequent intervals. The Climate Atlas can be considered a “crystal ball” for the climate that is able to estimate the state of the climate in the middle and end of the present century. The Climate Atlas provides a collected database about issues such as anticipated future precipitation until groundwater rises to surface level and sea levels until they rise to coastline levels.

Current climate parameters (e.g. temperature, precipitation, sea levels and flooding) are calculated and compiled at municipal, watershed and coastal levels, but not at a highly localised scale, such as urban district or landowner associations, as the required precision is not possible. Data will present a qualified estimate of how much water levels are expected to rise, the scale and frequency of flooding, torrential rain and drought.”¹

Milestones

- 1) Launch of the Climate Atlas in basic form:
Presentation of data for the following climate variables: precipitation, temperature, water table and flooding, and the associated climate indicators.
- 2) Expansion – phase 1:
Presentation of further climate variables and associated climate indicators, such as wind, evaporation, solar radiation and air humidity, as well as 100-year event and worst-case flooding event.
- 3) Expansion – phase 2:
All climate variables and indicators to be remodelled using new high-resolution modelling. Data will also be presented as time progressions rather than simple statistical median values for a 30-year period.

Editorial Note: For the complete text of this commitment, please see Denmark's action plan at <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>, pp. 15-16.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment Analysis

This commitment seeks to enhance access to climate data through Denmark's “Climate Atlas”, a publicly available data portal launched in 2019 on the webpage of the Danish Meteorological Institute (DMI). The Climate Atlas currently allows users to access a range of climate data through different ‘variables’ such as precipitation, temperature, sea levels, and flooding.² According to the action plan, the data on Climate Atlas allows users to estimate changes to the climate up to the end of this century. The Climate Atlas will make climate data available to the public on an ongoing basis, thus making the commitment relevant to the OGP value of access to information. This could give citizens, decision-makers, and other stakeholders improved access and more understanding of the local impacts of climate change.

This commitment calls for expanding the quantity and quality of climate indicators and variables available on the Climate Atlas in two phases until 2021 (following its launch in October 2019). The data will be available in open format. According to the action plan, the first phase (Milestone 1) will introduce new indicators on wind, evaporation, solar radiation, and air humidity, as well as 100-year events and worst-case flooding events. The second phase will allow users to combine datasets with existing ones to allow

new insights and correlations. It also calls for improvements to the quality of data on the Climate Atlas, providing users with more detailed analysis (e.g. time progressions) of climate change.

The commitment is a direct contribution to climate adaptation programmes and inter-municipal cooperation on climate change. The Climate Atlas was designed based on substantial stakeholder engagement with public institutions and technical experts, which will continue throughout the project. While citizen participation is not a primary objective of this commitment, there is an emphasis on user-friendliness of the Climate Atlas, with non-experts undertaking usability tests throughout its design phase. However, according to an interviewed DMI representative, the main purpose of the Climate Atlas is to improve the capacity of municipal governments to mitigate the negative effects of climate change locally through data-driven solutions.³

By improving the quality and quantity of climate-related data, public institutions, private enterprises, and citizens will get a more informed overview of climate impact locally. In particular, this is expected to benefit municipalities by enriching climate adaptation programmes with local environment data. Through an increase of publicly available climate data, municipalities can become better at designing climate adaptation programmes with the ultimate aim of protecting citizens against local climate-related impact. This is possible with the continuous expansion and enrichment of climate data at the local level and the ability to track changes over time to understand the potential impact of climate change in the future. However, the Climate Atlas has not been designed with an outlook for ordinary citizens but for employers in Danish municipalities who are addressing the local effects of climate change.

¹ Danish Agency for Digitisation, "The Danish OGP National Action Plan 2019–2021," <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

² Climate Atlas, <https://www.dmi.dk/klimaatlas/>

³ Interview with Alan Sørensen, Project Manager at the Danish Meteorological Institute (DMI), 23 April 2020.

4. Joint public collaboration on terrain, climate and water data

Main Objective

“The commitment collects terrain, climate and water data from a number of authorities and actors. A Hydrological Information and Forecasting System (HIF) will be set up to provide a unified approach to data. Part of HIF will involve modelled calculations of strata close to the surface, with a view to mapping where past, present and future ground water levels were/are/will be in proximity to the surface.”¹

Milestones

- 1) Hydrological Information and Forecasting company Part 1: collection and presentation of data
- 2) Hydrological Information and Forecasting company Parts 2-4: Calculations of groundwater in proximity to the surface and water flow in watercourses
- 3) Technical improvement of Point Discharge System (PULS)
- 4) Watercourses reference
- 5) Collection of watercourse data (Form data and hydrometric data)

Editorial Note: For the complete text of this commitment, please see Denmark’s action plan at <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>, pp. 17-18.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment Analysis

This commitment aims to improve use of and access to data on the Danish environment, with an emphasis on future challenges related to climate change. Specifically, it plans to create a Hydrological Information and Forecasting System (HIF) that will include standardised datasets on climate, terrain, and water. The data collected by the HIF will be publicly available, making the commitment relevant to the OGP value of access to information.

Danish municipalities are required by law to develop climate adaptation programmes.² However, the information used to devise these programmes is administered by a broad range of public institutions without a common data infrastructure. The recent effects of climate change in Denmark (such as flooding) have increased the value of data cooperation across municipalities and sectors to manage such changes more effectively.³

If created, the HIF could improve transparency in a relatively specialised area by providing a single point entry to terrain, climate and water data that historically has been collected and/or distributed by a number of sector specific public authorities. A single point of entry to this data, combined with easily understandable presentation (visualisation etc.), could also facilitate better dialogue and a higher degree of understanding between citizens and decision-makers. According to the Danish Agency for Data Supply and Efficiency, the intention is also to improve decision-making and the public’s understanding of decisions related to climate adaptation.⁴ Furthermore, it could increase the availability of environmental data that may have been difficult to retrieve due to differences in administrative practices in various public authorities. It could also be useful for IT companies who need environmental data for software applications and technical solutions to climate challenges based on hydrological and terrain-related data.

While this commitment is not expected to change governmental practice, it could lead to more effective data management and inter-municipality cooperation in climate change and data transparency. Although not directly included in this commitment, according to the Danish Agency for Data Supply and Efficiency, this could also facilitate greater public dialogue around issues related to local climate plans.⁵

¹ Danish Agency for Digitisation, “The Danish OGP National Action Plan 2019–2021,” <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

² “Klimatilpasningsplanerne ØK13”, 11 November 2018, <https://www.klimatilpasning.dk/kommuner/klimatilpasning-i-kommunerne/klimatilpasningsplan-%C3%B8kl3/>

³ Janus Gohr Mørk (Danish Agency for Data Supply and Efficiency), interview by IRM researcher, 30 April 2020.

⁴ Comment provided to the IRM during the pre-publication period of for this report by Janus Gohr Mørk, Danish Agency for Data Supply and Efficiency

⁵ Ibid.

5. My overview (“Mit overblik”)

Main Objective

“My Overview is a personalised, user-friendly page on borger.dk that presents the citizen with a combined digital overview. The most important data that public authorities have about each user will be combined in one place. This will present a full overview of ongoing case processing, economic support that has been awarded, outstanding payments, deadlines, agreements with the public sector etc. In other words, My Overview will be an information guide for the citizen that will supplement existing authorities’ platforms. Being closely linked to other public authorities, My Overview will ensure that relevant existing data is only presented for the benefit of the citizen.”¹

Milestones

My Overview will be implemented in four annual stages leading up to 2023. Below are examples of data that is expected to be available in the particular year/stage.

- 1) Personal and contact information, occupation and benefits
- 2) Health, Schools, housing, economy and tax
- 3) Family Situation, daycare, leisure and culture, and combined overview of agreements with the public sector, deadlines and outstanding payments
- 4) Construction, transport, livestock, fisheries, etc.

Editorial Note: For the complete text of this commitment, please see Denmark’s action plan at <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>, pp. 19-20.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information
Potential impact:	Minor

Commitment Analysis

This commitment seeks to create a centralised online platform on www.borger.dk, where Danish citizens will be able to access a broader overview of their personal data administered by public institutions, including from across levels of government and different sectors, called ‘mit overblik’ (“my overview”). It builds on a commitment from Denmark’s third action plan (2017-2019), which covered most of the preparatory work for this initiative, including analysis of user needs, development of a reference architecture, and pilots in collaboration with local authorities.² “My overview” will be implemented in four stages, and the commitment provides examples of the data expected to be made available during each stage.

The commitment is relevant to the OGP value of access to information, as “my overview” will provide the public with improved access to existing personal data and cases being processed (e.g. economic support) via a user-friendly and individually tailored display.³

Currently, Danish citizens do not have access to a centralised overview of the types of data that public institutions hold about them. As a consequence, personal data is not always easy to retrieve, and it can be difficult to identify which institution is responsible for a given case, be it debt health records, or work-related cases.⁴ The increasing digitisation of personal information in Denmark has gained much attraction and influenced public trust. According to a 2019 survey carried out by PricewaterhouseCoopers (PwC), only 60 percent of Danes demonstrated trust in public institutions’ data management.⁵

If fully implemented, the “my overview” platform could improve citizens’ access to their active cases and provide them with an easier way to identify responsible authorities. In addition, it could make it easier for citizens to correct inaccurate information.⁶ This is not likely to lead to any direct changes in

government practice in- and by itself. However, it may enhance citizens' trust in authorities if the implementing agencies ensure transparency and compliance with the rules and regulations of data protection. The webpage will eventually cover all information stored by public institutions that are relevant to citizens' cases. However, several datasets are expected to be available only in 2023, after the conclusion of the current action plan's 2019-2021 period.

¹ Danish Agency for Digitisation, "The Danish OGP National Action Plan 2019–2021," <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

² Danish Agency for Digitisation, "The Danish OGP National Action Plan 2017–2019," <https://digst.dk/media/17710/16-ogp-handlingsplan-2017-2019-engelsk.pdf>

³ The commitment is *not* relevant to the OGP value of public accountability, according to OGPs definition: "A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would not qualify as an accountability commitment.", IRM Procedures Manual, <https://www.opengovpartnership.org/documents/irm-procedures-manual/>, pp. 48-49.

⁴ Theis Lange Olsen, ""Mit Overblik" på vej: Log ind ét sted og se alle det offentlige data om dig", 23 October 2018, <https://www.dr.dk/nyheder/politik/mit-overblik-paa-vej-log-ind-et-sted-og-se-alle-det-offentliges-data-om-dig>

⁵ PwC, "Tillidsbarometeret 2019 – Highlights", <https://www.pwc.dk/da/publikationer/2019/tillidsbarometer-2019-digitalisering-data.pdf>. 73 percent of respondents trusted digital services such as 'borger.dk' which is the webhost of the commitment's digital solution 'my overview'. Only 55 percent of respondents trusted that public authorities 'store personal data as long as it is necessary or as long as it has been agreed upon'.

⁶ Information provided to the IRM during the pre-publication period of for this report by Nina Husfeldt Clasen, Agency for Digitisation.

6. Independent rule of law assurance unit within the Danish Appeals Agency

Main Objective

“It was agreed in the Special Allocations Fund Agreement for 2019- 2022 that an independent rule of law unit would be set up that would be institutionally anchored in the Danish Appeals Agency. Its roles would include preparing descriptive analyses and surveys of municipal practices that affect citizens’ legal certainty. These analyses would be able to investigate issues such as case processing times and provide information about cases and compliance with administrative regulations, including regulations on justification, party consultation etc. in the social sector, which include handicaps, vulnerable children and adults. In association with the rule of law unit, an advisory body will be set up that is comprised of representatives from six to eight organisations within the social sector. These organisations could include the Danish Bar and Law Society, the Institute for Human Rights, Danish Disability Organisations and labour market parties. The task of the advisory body will be to point out themes and problem areas where the rule of law unit should prepare descriptive analyses and investigations.”¹

Milestones

- 1) Work commences in the unit
- 2) The Minister of Social Affairs will inform the Domestic and Social Affairs Committee about the previous year’s work and reporting by the rule of law unit. (2020)
- 3) The Minister of Social Affairs will inform the Domestic and Social Affairs Committee about the previous year’s work and reporting by the rule of law unit. (2021)
- 4) The Minister of Social Affairs will inform the Domestic and Social Affairs Committee about the previous year’s work and reporting by the rule of law unit. (2022)
- 5) The rule of law unit’s reports will be compiled in a final report about rule of law in the social sector, which will be sent to the Minister of Social Affairs and the Domestic and Social Affairs Committee.

Editorial Note: For the complete text of this commitment, please see Denmark’s action plan at <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>, pp 21-22.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Moderate

Commitment Analysis

This commitment seeks to increase the transparency of case handling in the Danish social services sector by establishing an independent rule of law unit within the Danish Appeals Agency. Through this commitment, the Danish Ministry of Social Affairs and the Interior expects to raise the quality of case processing for socially vulnerable groups through ongoing analysis and reporting which will be carried forward to political discussions. The commitment is relevant to the OGP value of access to information, as it could provide the public with better insight into institutional practices and procedures pertaining to socially vulnerable groups. Furthermore, the commitment mentions that the establishment of a rule of law unit and accompanied advisory board will include NGOs such as the Danish Bar and Law Society, the Institute for Human Rights, and disability and labour organisations. Thus the commitment is also relevant to the OGP value of civic participation by including non-governmental representatives in the early stages of the decision-making process.

Currently, Danish citizens can submit complaints to the Danish Appeal Agency if they are dissatisfied with municipal decisions in individual social cases. A social case usually refers to an instance where vulnerable groups apply for financial or non-financial support. The latest data indicate that as many as 41 percent of total cases in the social sector reviewed by the Danish Appeals Agency were overturned in

2019.² Overturns refer to instances where the Danish Appeals Agency oblige a municipality to change its decision or remission whereby the municipality will have to reassess its initial decision. Cases are usually overturned by the Appeals Agency if they lack information or are in direct violation of the laws and administrative guidelines. Importantly, overturns can have serious implications for families and individuals who must endure prolonged case processing and financial insecurity.³ Several studies have also underscored the negative effects on citizens' trust in social institutions' ability to process cases correctly, and further research is currently being undertaken by the Danish Disability Counsel.⁴

With the establishment of a rule of law unit, overturns could be significantly reduced through more systematic analysis of overturns and better understanding of wrongful denials by municipalities in social case processing. The commitment could also generate policy changes in the social sector and procedures of case handling, depending on the findings and compliance with recommendations put forward by the rule of law unit.⁵ However, the concluding observations of the rule of law unit will not be presented until late 2022. This makes any changes to practice difficult to assess within the action plan's 2019-2021 cycle.

¹ Danish Agency for Digitisation, "The Danish OGP National Action Plan 2019–2021," <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

² "Omgørelsesprocenter på socialområdet", 7 March 2019, <https://sim.dk/danmarkskort/2020/jun/omgoerelsesprocenter-paa-socialomraadet-i-2019/>

³ "Hver anden sag om handicappede børn omgøres i ankenævnet", <https://jyllands-posten.dk/indland/ECEI1235600/hver-anden-sag-om-handicappede-boern-omgoeres-i-ankenaevn/>

⁴ Danish Ministry of Social Affairs and the Interior, "Vi skal genoprette tilliden på handicapområdet", <https://sim.dk/nyheder/nyhedsarkiv/2019/dec/vi-skal-genoprette-tilliden-paa-handicapomraadet/>

⁵ Due to COVID-19, the IRM researcher was unable to obtain information from the Danish Ministry of Social Affairs and the Interior on this commitment.

7. Whistleblower schemes within the Danish Ministry of Justice

Main Objective

“The commitment involves setting up whistleblower schemes in the prosecutions service, the police, the Danish Security and Intelligence Service (PET), the prison service and the Ministry of Justice department. Employees of the authorities involved can use the schemes. The scheme can also be used by partners with whom the authorities are engaged in a more ongoing or formalised collaboration, and their employees. Information can be reported about serious issues that are of importance to how the authorities perform their tasks. As a rule, information can be reported via an electronic whistleblower portal, where it will also be possible to communicate with whistleblowers who do not wish to reveal their identity.”¹

Milestones

- 1) Ongoing reporting with regard to the whistleblower schemes within the sphere of the Danish Ministry of Justice

Editorial Note: For the complete text of this commitment, please see Denmark’s action plan at <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>, pp. 23-25.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Public Accountability
Potential impact:	Moderate

Commitment Analysis

This commitment seeks to introduce whistleblower protection mechanisms within the sphere of the Danish Ministry of Justice. The commitment’s objectives include protecting employees against negative consequences when raising legitimate concerns of mismanagement within the targeted authorities, through the use of anonymised reporting channels. Consequently, this is expected to lead to an increase in reporting of such cases and thus improve the services of public authorities. The commitment precedes EU’s Directive on Whistleblowing, which entered into force on 16 December 2019 requiring all EU Member States, including Denmark, to transpose its provisions into their national legal and institutional systems by December 2021.² This will include mandatory whistleblower protection for private companies and public institutions, and will require employers to inform employees of the function and purpose of whistleblower mechanisms.³ This commitment responds to a recommendation from the IRM Design Report for the 2017-2019 action plan.⁴ However, it should be noted that this commitment in particular, only applies to authorities within the Ministry of Justice, and is not a general introduction of whistleblower schemes or legislation in Denmark, which is currently taking place outside the OGP framework.

The commitment is relevant to the OGP value of public accountability as it provides employees within the Ministry of Justice, including external parties, with anonymised channels to report on misconduct or corruption without facing any form of repercussion. Such channels will primarily be comprised of online portals within the responsible authorities that protect the identity of individuals who want to raise concerns. That agency will then undertake an initial analysis in accordance with the official guidelines and assess whether or not a case falls under the application of the whistleblower mechanism before an actual investigation can take place.⁵ Furthermore, the commitment calls for annual reporting with regards to whistleblower schemes, which is relevant to the OGP value of access to information.

Prior to this commitment, whistleblower protection has only been mandatory in certain sectors, e.g. the financial sector. The introduction of whistleblower protection schemes (i.e. tangible systems and guidelines for whistleblowers to report abuse) within the sphere of the Ministry of Justice is a direct response to previous cases of misconduct within public law enforcement agencies. Most notably, the so-

called ‘Tibet case’ in 2012 witnessed the obstruction of a citizen demonstration in front of Chinese officials based on illegitimate orders from the police. Despite knowing of such misconduct, many police officers were reluctant to report their observations to management until several years after the incident.⁶ Additionally, Danish work culture is characterised by a high level of confidentiality and the principle of employees’ duty of loyalty. However, employees in the public sector have had to undergo long court processes in cases where they have violated confidentiality for the sake of reporting unacceptable practice.⁷

The introduction of whistleblower schemes within the sphere of the Ministry of Justice is a noteworthy addition to the public work culture in Denmark. Developing a proper whistleblowing culture in the Ministry of Justice could help reduce cases of corruption while contributing to workers’ legal safety and well-being. Danish civil society has welcomed the introduction of whistleblower schemes as a means to better ensure the safety and basic rights of employees through secure and anonymised investigation channels. There are concerns, however, around the lack of participation of employees in designing the schemes, as well as the extent to which potential investigations will be conducted by independent actors.⁸ Furthermore, according to an interviewed civil society representative, the ambition of the commitment is limited when taking into consideration that Denmark is already required to implement the above-mentioned EU directive on whistleblower protection. The representative also emphasised that it is important to raise awareness of the whistleblowing schemes through dissemination efforts and seminars to illustrate their legitimacy as a tool for accountability.⁹

Based on the above-mentioned discussions on the implementation of whistleblower schemes, the IRM researcher recommends that the Ministry of Justice:

- Give civil society access to annual reports and the opportunity to comment on them;
- Undertake broader awareness-raising campaigns for employees with the purpose of ensuring constructive perceptions of whistleblower schemes;

¹ Danish Agency for Digitisation, “The Danish OGP National Action Plan 2019–2021,” <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

² Transparency International, A Vital Chance for Whistleblower Protection, <https://www.transparency.org/en/blog/a-vital-chance-for-whistleblower-protection>

³ The Directive is applicable for companies with more than 50 staff members and municipalities with more than 10.000 inhabitants. Council of the European Union, “Bedre beskyttelse af whistleblowere: Nye EU-regler træder i kraft i 2021”, <https://www.consilium.europa.eu/da/press/press-releases/2019/10/07/better-protection-of-whistle-blowers-new-eu-wide-rules-to-kick-in-in-2021/>

⁴ Danish Agency for Digitisation, “The Danish OGP National Action Plan 2019–2021,” <https://digst.dk/media/21659/ogp-nap-2019-2021-english.pdf>

⁵ Ministry of Justice, “Fælles retningslinjer for whistleblowerordningerne på Justitsministeriets område, 3 August 2020.

⁶ “Rigspolitichef Åbner Whistleblowerordning til betjent efter Tibet sag”, 15 June 2018, <https://www.dr.dk/nyheder/politik/rigspolitichef-aabner-whistleblower-ordning-til-betjente-efter-tibet-sag>

⁷ Change of Direction, “Whistleblower protection in Denmark”, 2018, <https://www.changeofdirection.eu/assets/briefings/EU%20briefing%20paper%20-%20Denmark%20-%20english.pdf>

⁸ Danish Association of Lawyers and Economists, “Whistleblowerordninger på vej i hele staten”, <https://www.djoefbladet.dk/artikler/2019/2/whistleblowerordninger-p-aa-vej-i-hele-staten.aspx>

⁹ Interview with Marina Buch Kristensen, Transparency International Denmark, 24 April 2020.

V. General Recommendations

This section aims to inform the development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country, and 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Five Key Recommendations

Recommendations for the next action plan's development process	
1	Consider relocating the OGP mandate to an agency with greater policy-making influence within the Ministry of Finance or Ministry of Justice
2	Expand participation in the multi-stakeholder forum to a broader segment of government and non-government stakeholders

Consider relocating the OGP mandate to an agency with greater policy-making influence within the Ministry of Finance or Ministry of Justice

The Agency for Digitisation (AfD) has made notable efforts to contribute to a transparent and open OGP process in Denmark, particularly through the establishment of a formal multi-stakeholder forum during the third action plan (2017-2019). However, the AfD is situated at a mid-tier coordinating level and there has been no high-level political participation since Denmark joined OGP. The introduction of high-level policy areas in future action plans could thus be facilitated and accompanied by some degree of political representation and a stronger presence from relevant ministries during the co-creation processes. This representation could help Denmark establish a more strategic direction through inter-ministerial cooperation and civil society representation. One possible option could be to move OGP stewardship to the Ministry of Justice's Administrative Law Division, which advises the government and other ministries on administrative law issues and handles the department's cases involving requests for access to public records, including the Access to Public Administration Files Act. At a minimum, Denmark could encourage more direct involvement from relevant ministries, such as the Ministry of Finance or the Ministry of Justice, in developing future action plans to include more ambitious commitments that go beyond open data and digitisation.

Expand participation in the multi-stakeholder forum to a broader segment of government and non-government stakeholders

Recent multi-stakeholder forum meetings in Denmark have seen limited engagement from NGOs and other relevant institutions. However, the current action plan has demonstrated the possibility of introducing higher-priority policy areas that may interest an increasing number of stakeholders. The previous forum confirmed the need to enhance the role of civil society representatives during the co-creation processes.¹ Therefore, the IRM researcher reiterates a recommendation from the 2017-2019 Design Report for the AfD to consider undertaking a thorough stakeholder mapping to identify new members for the forum and/or conduct individual stakeholder consultations as in previous cycles.² This could also involve more participation from institutions such as Local Government Denmark (KL), which represents all Danish municipalities.

Recommendations for the next action plan's design	
1	Take initial steps towards the establishment of an open register on lobbying
2	Expand whistleblower schemes to encompass newly adopted EU directive
3	Close loopholes in the legal framework for political financing

Take initial steps towards the establishment of an open register on lobbying

Denmark has long been criticised for a lack of transparency regarding the interactions between interest groups and top-level political decision-makers (lobbying). This area is receiving growing attention in

Denmark and civil society has pointed to its negative effects on public trust (see Section II of this report). One study has shown that lobbying is the fastest growing job market for politicians in Denmark, with an 80 percent increase in hires of politicians between 1987 and 2015.³ Another recent study on 'Open Data and Political Integrity' recommended that Denmark embark on renewed efforts to assess the effects of lobbying in collaboration with the academic community and CSOs.⁴ Against this backdrop, the IRM researcher recommends taking initial steps towards establishing such a register, by conducting a preliminary needs assessment in collaboration with experts and CSOs in Denmark or establishing a basic database for overview of exchanges (see, for instance, Finnish endeavours in this area).⁵ This could, in turn, happen over the course of several OGP action plans, including possible legislative changes in the long-term and following the initial preparatory work on a register.

Expand whistleblower schemes to encompass newly adopted EU directive

In response to a previous IRM recommendation, whistleblower schemes within the sphere of the Ministry of Justice was included as a high-policy reform in the current action plan. This commitment could be expanded in Denmark's next action plan to encompass the EU Directive on the protection of persons who report breaches of EU law, which requires all EU member states to implement horizontal whistleblower legislation by December 2021.⁶ According to the Whistleblowing International Network, as of August 2020, COVID-19 has slowed down the process, but the Ministry of Justice plans to have an implementation proposal ready in spring 2021, (though a few municipalities already have a whistleblower mechanism of their own).⁷

In this context, the OGP multi-stakeholder forum could serve as a platform for further discussion on whistleblower schemes involving civil society representatives, state institutions, and researchers, to share knowledge and learn from the current commitment. It could also serve to undertake evaluations involving employees and assessing the extent to which they are involved in the design of these new schemes.

Close loopholes in the legal framework for political financing

Finally, political financing is as a recurrent issue with regards to transparency and political integrity in Denmark. While Denmark has recently introduced legal requirements to address legal loopholes in political financing, some noteworthy gaps exist with regards to donor identity and limitations on the amount of individual donations. In line with international best practice from countries such as Norway and Finland, the IRM researcher recommends including a commitment in the next OGP action plan on strengthening the legal framework for political financing in Denmark. There are numerous examples of how OGP may contribute to improving such regulations and concrete guidelines have been established to facilitate the process of designing OGP commitments in this area. This could entail publishing sufficient information on donations on a timely basis and through a single portal with accessible and machine-readable data.⁸ Ultimately, this could also promote public trust in the political system, which has been declining in recent years (e.g. demonstrated through Transparency International's indices).

5.2 Response to Previous IRM Key Recommendations

Previous IRM Report Key Recommendations

Recommendation		Did it inform the OGP Process?
1	Expand participation in the multi-stakeholder forum	X
2	Introduce whistleblower protection measures in the next action plan	✓
3	Address the implementation of the General Data Protection Regulation	X
4	Take measures to improve beneficial ownership transparency	X
5	Focus on further strengthening foreign aid transparency	X

Of the five recommendations from the 2017-2019 IRM Design Report, AfD integrated one in the 2019-2021 action plan, namely Commitment 7 on whistleblower schemes within the sphere of the Ministry of Justice. Given the high turnover of OGP points of contact with AfD during the previous and current action plan cycles, some outreach activities have been discontinued compared to earlier cycles.⁹

In addition, interviewed civil society representatives told the IRM researcher that the open data focus of commitments falls outside the priorities of most NGOs. Many open government initiatives, such as the General Data Protection Regulation (GDPR) facilitation and increased transparency in beneficial ownership, take place outside the OGP framework. According to AfD, some initiatives were not included in the fourth action plan as their implementation extends beyond the two-year period of OGP action plans.¹⁰ Finally, commitments that address transparency outside Denmark were assessed as less relevant to the scope and purpose of OGP given its focus on domestic reform.

¹ Agency for Digitisation, “OGP Netværksmøder” [In Danish], <https://digst.dk/strategier/internationalt-samarbejde/open-government/ogp-netvaerksmoeder/>

² Cordelia Chesnutt, “Independent Reporting Mechanism (IRM) Progress Report 2017–2019: Denmark,” Independent Reporting Mechanism, https://www.opengovpartnership.org/wp-content/uploads/2019/06/Denmark_Design-Report_2017-2019_EN.pdf

³ Politicians in lobbying roles, <https://www.dr.dk/nyheder/politik/overblik-flere-eks-politikere-gaar-gennem-den-gyldne-svingdoer-til-private-topjob>

⁴ Transparency International & Open Knowledge Sweden, “Open Data and Political Integrity in the Nordic Region”, 26 November 2019, https://www.transparency.it/wp-content/uploads/2019/11/Open_Data_Report.pdf

⁵ Tuomo Yli-Huttula, “Transparency register would ensure responsible lobbying”, <https://www.finanssiala.fi/en/news/Pages/Transparency-register-would-ensure-responsible-lobbying.aspx>

⁶ Transparency International, A Vital Chance for Whistleblower Protection, <http://www.transparency.org/en/blog/a-vital-chance-for-whistleblower-protection>

⁷ EU Whistleblowing Meter, Denmark: Transposition of the EU Directive on Whistleblowing, <http://euwhistleblowingmeter.polimeter.org/promise/14092>

⁸ Transparency International, “Recommendations on political financing for OGP action plans”, <https://images.transparencycdn.org/images/Rec-on-Political-Integrity-for-OGP-action-plans-FINAL.pdf>

⁹ For instance, during the co-creation of the previous action plan, AfD undertook individual stakeholder consultations in person; Cordelia Chesnutt, “Independent Reporting Mechanism (IRM) Progress Report 2017–2019: Denmark,” Independent Reporting Mechanism, https://www.opengovpartnership.org/wp-content/uploads/2019/06/Denmark_Design-Report_2017-2019_EN.pdf

¹⁰ Agency for Digitisation, Document Repository, <https://en.digst.dk/policy-and-strategy/open-government/document-repository/>

VI. Methodology and Sources

IRM reports are written in collaboration with researchers for each OGP-participating country. All IRM reports undergo a process of quality control 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, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Denmark's OGP repository, website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organisations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and stakeholder input

The IRM researcher conducted six stakeholder interviews for this report, based on the information in Denmark's fourth action plan (2019-2021): four from government and two from civil society. The two interviewed representatives from civil society also participated in previous action plans. Few challenges occurred in relation to the COVID-19 situation in terms of availability. The interviewees were:

- Anne Sofie Fink Kjeldgaard, the Danish National Archives, 17 April 2020
- Christoffer Rude, the Danish Working Environment Authority, 23 April 2020
- Alan Sørensen, Danish Meteorological Institute, 23 April 2020
- Janus Gohr Mørk, the Danish Agency for Data Supply and Efficiency, 30 April 2020
- Niels Erik, Open Knowledge Denmark, 30 March 2020
- Marina Buch Kristensen, Transparency International Denmark, 24 April 2020

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. Commitment Indicators

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programmes.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
 - Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

What makes a results-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (E.g., "Misallocation of welfare funds" is more helpful than "lacking a website.")
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., "26 percent of judicial corruption complaints are not processed currently.")
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation? (E.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")

Starred commitments

One measure, the “starred commitment” (☆), deserves further explanation due to its interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria.

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

These variables are assessed at the end of the action plan cycle in the country’s IRM Implementation Report.

¹ “Open Government Partnership: Articles of Governance” (OGP, 17 June 2019), <https://www.opengovpartnership.org/articles-of-governance/>

² “IRM Procedures Manual” (OGP), <https://www.opengovpartnership.org/documents/irm-procedures-manual>