





Minister for Human Rights, Equal Opportunities and Legislation, Chairman of the Government Anti-Corruption Council



Czech Republic 2016

End of Term Self-Assessment Open Government
Partnership Action Plan Report of the Czech Republic
2014-2016

Submitted by: Minister for Human Rights, Equal Opportunities and Legislation

Prague, 2016







Chairman of the Government Anti-Corruption Council

Minister for Human Rights, Equal Opportunities and Legislation,

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1 Introduction

The Open Government Partnership (hereinafter referred to as the "OGP") is an international initiative which aims to promote transparency, fight against corruption and development of civil society. The Czech Republic joined the OGP on the basis of Government Resolution No. 691 of 14 September 2011. The countries which joined this initiative regularly compile national action plans for the Open Government Partnership. In these National Action Plans, countries, with the contribution of civil society, formulate individual commitments to foster transparency, accountability of public administration and civic participation in decision-making. The Czech Republic's involvement in the OGP initiative is perceived as an activity that meets the objectives of the Government's other conceptual documents. The Government Anti-Corruption Conception for the years 2015 to 2017, the Anti-Corruption Action Plan for 2015 and the Anti-Corruption Action Plan for 2016 are the key documents in the Government's fight against corruption, which is closely related to transparency in public administration. The preparation of OGP national action plans collectively complements the Czech Republic's comprehensive approach to the principles of open government.

The Czech Republic adopted the Action Plan of the Czech Republic Open Government Partnership for the years 2014 to 2016 (hereinafter referred to as the "Second Action Plan") by Government Resolution No. 929 of 12 November 2014. In its Second Action Plan, the Czech Republic laid down three specific commitments:

II/1 Adoption of a new Civil Service Act, ensuring depoliticisation, professionalisation and stabilisation of public administration and its implementation in practice;

II/2 Streamlining the system of free access to information;

II/3 Improving access to data and information.

The Action Plan of the Czech Republic Open Government Partnership for the years 2016 to 2018 (hereinafter referred to as the "Third Action Plan") was approved in 2016 by Government Resolution No. 566 of 22 June, containing a number of tasks following on from the commitments of the Second Action Plan. This principally concerns the task of implementing the adopted Civil Service Act, specifically, for example, organising competitive hiring proceedings for Directors of Departments and Units or holding civil service exams.

The OGP initiative is based on four key principles (or values) for open government. These are transparency, civic participation, technology and innovation and public accountability. The commitments enshrined in the Second Action Plan reflect all these principles. Under the first commitment, *transparency* is specifically reflected in the publication of civil service job openings, the transparency of the competitive hiring proceedings for individual clerical positions and the possibility for the public to access records of civil service exams. The second commitment reflects the principle of transparency in its emphasis on providing information on the public sector in open and, wherever possible, also in machine-readable formats to ensure the widest possible access. The third commitment contributes to transparency by making data prepared by the civil service available to the general public.

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The commitments also try to strengthen *civic participation* by ensuring different ways of accessing public sector information, depending on the requester's needs, and emphasising the need to accommodate the request wherever possible. The third commitment focuses on allowing the creation of software applications to involve the public in decision-making and monitoring the relevant data.

Another important OGP principle - technology and innovation - is incorporated in different forms in all three commitments. The first commitment complies with this by creating a Civil Service Information System (CSIS). The second commitment emphasises the obligation to publish public sector information in open and, where possible, also in machine-readable formats in the form of open data, as laid down in the upcoming legislation. The third commitment assumes that the provision of data by the civil service to the professional and general public will give rise to new methods of commercial and non-commercial presentation of this data by private and not-for-profit entities.

The principle of *public accountability* is present in the first commitment in the form of work evaluation, disciplinary liability and the protection of whistleblowers in the civil service. One of the objectives of the second commitment is to clearly define the legal parameters for the obligation to provide information, both on the basis of a citizen's request, and also proactively, together with the inclusion of a system of remedies in the event of non-compliance with the request. The second commitment also focuses on enshrining specific mechanisms to deal with breaches of the obligation actively to publish information. The principle of public accountability also appears in the third commitment, as this commitment anticipates legislation laying down the rights and obligations of government agencies as regards publication and a National Open Data Catalogue.

By adopting concrete commitments, the Czech Republic is responding to some of major challenges under the OGP (the so-called Grand Challenges). There are a total of five OGP Grand Challenges: improving public services, increasing public integrity, more effective management of public resources, creating safer communities and increasing corporate liability. In the Second Action Plan, the Czech Republic primarily focused on *increasing public integrity* (improving access to information, combating corruption through the adoption of a Civil Service Act and its implementing regulations) and on *improving public services* (depoliticising and professionalising the civil service and introducing open data principles).

2 Procedure for implementing the National Action Plan of the CR

2.1 Consultations during implementation, multi-stakeholder forum

Most consultations during the implementation of the Second Action Plan took place during meetings of the Government Anti-Corruption Council (hereinafter referred to as the "Government Council") and in the working commissions of the Chairperson of the Government Council, primarily the Chairperson of the Government Council's Working Commission for transparency of public administration. Within the Czech Republic, the Government Council is considered to be a multi-stakeholder forum, as defined by the OGP. The Government Council discusses self-assessment reports and draft action plans at different stages of preparation, from the initial version to the final document, prior to their

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submission to the Government of the Czech Republic for approval. Government Council members are also very actively involved in the public consultation process, where they are able to suggest the form of the individual commitments, comment on commitments already proposed and assess the implementation of commitments made. The Government Council meets regularly at 1-2 monthly intervals. Ad-hoc meetings of the Government Council may also be convened, outside normal meeting times. The Government Council may also address the issues for discussion on a per-rollam basis. The unit responsible for fighting corruption and the secretary of the Government Council provide operational and administrative support for the Council. Responsible unit is the Anti-Corruption Unit of the Regulatory Impact Assessment Department of the Office of the Government and its director is also the secretary for the Government Council.

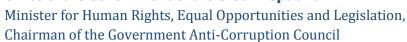
Government Council meetings are convened and chaired by the Minister for Human Rights, Equal Opportunities and Legislation, who acts as chairperson. The other members of the eighteen-member Government Council are:

- Deputy Prime Minister for Economics and Minister of Finance
- Deputy Prime Minister for Science, Research and Innovation
- Minister of the Interior
- Minister of Justice
- Director of the Unit for Combating Corruption and Financial Crime
- Director of the General Inspectorate for the Security Forces
- Supreme Public Prosecutor
- Chairperson of the Union of Towns and Municipalities of the CR
- Chairperson of the Association of Regions of the CR
- President of the Czech Chamber of Commerce
- Ombudsman
- a representative of Transparency International CR, o. p. s.
- a representative of the Frank Bold Society
- a representative of Oživení, o. s.
- an academic representative of the Silesian University in Opava
- a representative of the Anticorruption Endowment
- a representative of Veřejnosti proti korupci (Public Against Corruption).

Members of the Government Council are therefore not only representatives of ministries, administrative offices and other public authorities (hereinafter referred to as "PA"), but also representatives of NGOs, local authorities or academia. The structure of the working commissions of the Chairperson of the Government Council runs along the same lines.

2.2 Public consultation

The document entitled "Final Self-Assessment Report on the Open Government Partnership Action Plan for the years 2014-2016" (hereinafter referred to as the "Self-Assessment Report") was submitted to the general public for a two-week consultation period on 29 July 2016. The consultation process was announced via the Czech Government website www.vlada.cz and the Government Anti-Corruption Council website www.korupce.cz. During the consultation period (29 July - 12 August 2016), outside the inter-ministerial comment









proceedings, comments were received from PhDr. Ing. Jiří Skuhrovec, member of the Chairperson of the Government Anti-Corruption Council working commission for efficient management of state property, from Mgr. Adam Vojtěch, member of the Chairperson of the Government Anti-Corruption Committee working commission for transparency of public administration and from PharmDr. Lubomír Chudoba, President of the Czech Chamber of Pharmacists. The comments made during the consultation period were responded to and settled together during the inter-ministerial comment proceedings. Within the framework of the public consultation procedure, the self-assessment report was also discussed by the working commission of the Chairperson of the Government Anti-Corruption Committee of public administration.

3 IRM Recommendations

This section of the self-assessment report contains statements from the individual lead implementing agencies as to how the recommendations received from the Independent Reporting Mechanism (hereinafter referred to as "IRM") were taken into account within the context of fulfilling the individual commitments in the 2014-2015 Progress Report (hereinafter referred to as the "IRM Report").¹

II/1 Civil **Service** Act, ensuring depoliticisation, Adoption of а new professionalisation and stabilisation public administration of implementation in practice;

The Civil Service Section of the Ministry of the Interior considers the results of the IRM Report to be misleading and inaccurate. According to the Civil Service Section of the Ministry of the Interior, the main shortcomings of this report consist of factual and terminological inaccuracies. The report also contains numerous cases of ignorance of the Civil Service Act and a misunderstanding of its institutions and mechanisms. The Civil Service Section of the Ministry of the Interior has described the aforementioned shortcomings of the IRM Report in detail and addressed them during the public consultations.

• II/2 Streamlining the system of free access to information

It follows from the IRM recommendations that the content of the original commitment provides a useful basis for an amendment to the Act on free access to information and therefore also for improving open access to it. Following on from the IRM recommendations, the promoters of the draft amendment to the Act made a number of changes. One of these was a more detailed elaboration of the draft, to take account of the recently adopted Directive 2013/37/EU of the European Parliament and of the Council, whose transposition will result in more efficient public administration, greater openness to the public, transparency and faster access to information for the general public.

¹ The text of the IRM report is available at: http://www.opengovpartnership.org/sites/default/files/CzechRepublic 2014-15.pdf

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II/3 Improving access to data and information

In accordance with the IRM recommendations, the Ministry of the Interior has secured strategical resources, both methodological and technical, to meet commitment II/3. It achieved this by creating a methodology for the publication and cataloguing of civil service open data, by initiating operations of the National Open Data Catalogue and by creating a legislative base to enshrine open data in the Czech legal system. In legal terms, open data, including the National Open Data Catalogue (as a civil service information system) is covered by the amendment to Act No. 106/1999 Coll., on free access to information, implemented under a bill amending certain Acts in relation to the adoption of an Act on trust services for electronic transactions (at the time the Self-Assessment Report was being prepared, the bill was adopted during its 3rd reading by the Chamber of Deputies). Regarding the establishment of a uniform strategy, the newly elected national coordinator for the digital agenda defined the main priority areas in which open data are enshrined in the form of individual commitments and activities in the Action Plan for the Development of the Digital Market. The Ministry of the Interior sees the need for political support and securing the cooperation of all ministerial departments to create a uniform concept for an open data strategy.

Completed publication plans are available to the public on the website http://opendata.gov.cz/vzor:start, where they can be commented on and amended, or the project contact person can be addressed. A team of experts will be formed for the upcoming project Implementation of Open Data Strategies II for the period 2016-2019. In relation to this project, the Ministry of the Interior will continue to hold educational seminars and workshops to present the National Open Data Catalogue (hereinafter referred to as "NODC"), its operation and the methodology for the publication and cataloguing of open data. This project will lead to an expansion of the functionality of the NODC, and changes to its technical and user functions to make it more user-friendly.

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4 Implementation of commitments under the National Action Plan of the CR

4.1 II/1 Adoption of a new Civil Service Act, ensuring depoliticisation, professionalisation and stabilisation of public administration and its implementation in practice

NUMBED AND MAI	ME OF THE COMMITMENT	-				
_			anoliticisation professionalisation			
II/1 Adoption of a new Civil Service Act, ensuring depoliticisation, professionalisation and stabilisation of public administration and its implementation in practice						
COMMITMENT START AND END DATE 6 November 2014 → commitment continui						
	ART ARD END DATE		ne period from 2016-2018			
ACCOUNTABILIT	LEAD IMPLEMENTING A		Ministry of the Interior			
Y	NAME OF RESPONSIBLE		RNDr. Josef Postránecký			
	PERSON	_	The second continuous			
	TITLE, DEPARTMENT		Deputy Minister of the Interior for			
	,		the Civil Service			
	E-MAIL		statnisluzba@mvcr.cz			
	PHONE		974 818 204			
OTHER ACTORS	CO-LEAD IMPLEMENTIN	IG	Ministry of Labour and Social			
INVOLVED	AGENCY		Affairs, Ministry of Education,			
			Youth and Sports,			
			Ministry of Foreign Affairs			
	OTHER Civil service authorities					
STATE AND	•		Coll., on civil service, as amended			
DEFINITION OF	,		ct"), laying down conditions for the			
THE PROBLEM		onalisatio	• 1			
TO BE		•	reportant commitment for the Czech values and Grand Challenges of the			
ADDRESSED BY MAKING THE						
COMMITMENT	OGP and the Action Plan, or the Second Action Plan, and on the Programme Declaration promulgated by the Government and					
COMMITMENT	government anti-corruption documents (Government Anti-Corruption					
			2017 and the Anti-Corruption Action			
	Plan for 2015). The Act w	vas prom	ulgated on 6 November 2014, when			
	some of its provisions also became effective. The Act became fully					
	effective on 1 January 2015. Since then the Act has been put into					
	practice, especially by subsequently systemising civil service posts and					
	work posts, separating clearly political and non-political (white-collar)					
	posts, running the Civil Service Information System (CSIS), etc. In					
	relation to the adoption of this Act, its implementing regulations have also been adopted and promulgated, with the exception of one. An					
	important prerequisite for the implementation of these steps was the					
	·	•	n, as an organisational unit of the			
			for the coordination, guidance and			
	management of the implementation of the Act, the appointment of a					

















	INFORMATIO	PARTICIPATIO	Υ	Y AND
	N	N		INNOVATION
	X		X	X
AMBITION	Implementing the Act creates the basic preconditions and conditions for providing a high-quality civil service as a public service, thereby also supporting government openness. Openness is particularly evident in providing access to information on the performance of the civil service through publicly-accessible parts of the CSIS (civil service examinations taken by specific state employees, information on holding civil service examinations, competitive hiring procedures to fill vacant civil service positions), as well as through civil service websites (guidance notes, service instructions, unifying opinions, sample acts, etc.). It is also planned that the information about competitive hiring procedures to fill vacant civil service positions will be published in the form of open data.			
LEVEL OF COMPLETION	AT THE BEGINNING	LIMITED	SUBSTANTIAL	COMPLETED
			X	
DESCRIPTION OF RESULTS				
	Resolution of the Government of the Czech Republic No. 1006 of 7			

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December 2015 adopted a second, more detailed, systemisation, which came into effect on 1 January 2016. The main difference between the first and second systemisation was in their purpose, where the first systemisation primarily aimed to define service posts and work posts within the civil service. The second systemisation was intended to further refine this definition after a period of time. A draft systemisation for 2017 is being prepared and will be submitted alongside the proposed state budget.

The service assessment, which is carried out on state employees once a year, and is reviewable, was first introduced in the first quarter of 2016. This assessment was carried out on employees who had been employed in the civil service for more than 2 months in 2015.

A decree defining a service badge specimen is the last of 17 implementing regulations which has not been issued yet. It must be effective by 31 December 2019, and it will therefore be issued during the following period (it is one of the milestones for the Action Plan for 2016-2018).

Information for service authorities and the general public is available on the website www.mvcr.cz/sluzba. All the relevant legislation, opinions, guidance notes, service instructions, templates, frequently answered questions and responses are published there. The Civil Service newsletter is published once a month, in electronic and in printed form, as part of the Public Administration (Veřejná správa) journal.

Regular meetings and methodical meetings are held with representatives of service authorities. The professional public and representatives of service authorities, trade unions and other stakeholders are involved in the preparation of legislation and guidance notes.

On 15 October 2015, the 4th meeting with representatives from the European Commission was held to discuss the implementation of the Act, at which it was found that the Czech Republic has made significant progress towards meeting its commitments and was effectively implementing all four fundamental elements as defined in the Partnership Agreement.

Final summary of the achievement of milestones formulated in the commitment Adoption of a new Civil Service Act, ensuring depoliticisation, professionalisation and stabilisation of public administration and its implementation in practice, as set out in the Action Plan for 2014-2016.

Completed milestones:

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- 1. Adoption of the complex draft amendment by the Chamber of Deputies.
- 2. Providing members of the Government with a detailed timetable for the preparation of implementing legal regulations and other measures to implement the new Civil Service Act.
- 3. Establishing a unit for civil service and incorporating it into the organisational structure of the Ministry of the Interior.
- 4. Adoption of the amendment by the Senate.
- 5. "Revision", analysis and proposal for further use (for legislation or for preparation of acts of service bodies) of the present (or in preparation) implementation measures and drafts of service regulations following on the approved version of the Act.
- 6. Preparing a selection procedure for the position of a Deputy for the Civil Service and a Director of Human Resources of the Civil Service Section and proposing their appointment by the Government (immediately after promulgation of the Act, not later than 30 June 2015).
- 7. Preparing a selection procedure for the positions of state secretaries in ministries and the Office of the Government of the Czech Republic and ensure their appointment (immediately upon appointment of a Deputy for the Civil Service, not later than 30 June 2015).
- 8. Submitting a draft of guidance notes for preparation of the first systemisation of civil service positions and the first systemisation of work positions, to be in force from 1 July 2015.
- 9. Establishing a Civil Service Section and incorporating it into the organisational structure of the Ministry of the Interior.
- 10. Full effectiveness of the Civil Service Act.
- Preparation and drafting the first systemisation of civil service positions and the first systemisation of work positions to be in force from 1 July 2015.
- 12. Submitting to the Government a proposal for systemisation of the service authorities in accordance with the Civil Service Act for the year 2016.
- 13. Preparing competitions to fill the positions of heads of the service authorities and deputies for management of section and ensure their appointment by 30 June 2016.
- 14. Appointing heads of service authorities and deputies for management of sections.

Partially completed or intended milestones

15. Prepare, discuss and publish relevant implementing regulations.









	,				
Laying down rules for methodical and coordination role/or between the Civil Service Section and service bodie particularly with personal departments of the service Completion of the legislation process of implementing reg the Act. 16. Submitting to the Government a proposal for systemisal service authorities for 2017 in accordance with the Act. 17. Prepare competitions to fill the positions of Directors of de and units and ensure they are implemented by 30 June 20					
	and units and chould they are implemented by 50 suite 2017.				
	18. Appointing directors of departments and units.				
COMPLETION DATE	Commitments continuing under the Third Action Plan.				
FURTHER STEPS	Continuing commitments in the Third Action Plan, under which the incomplete milestones will be achieved (Decree defining a service badge specimen, competitive hiring procedure to fill senior civil service positions) and new milestones, which were proposed to monitor progress in the implementation of the Civil Service Act.				
CUDTUED INCODA	A A TION				

FURTHER INFORMATION

The following areas will be monitored to ensure compliance with commitments under the Third Action Plan:

- 1. Completing the legislative process for the regulations implementing the Civil Service Act Decree defining a service badge specimen
- 2. Ensuring competitive hiring for the posts of Directors of Departments and Units.
- 3. Controls resulting from the Act (civil service employment of civil servants, evaluation of the observance of the systemisation of civil service posts, controlling the establishment of a work and life balance for civil servants performing their work, etc.).
- 4. Meeting the requirement that newly hired civil servants take a civil service examination.
- 5. Civil service bodies recognising the equality of examinations.
- 6. Investigating notifications containing suspicions of unlawful conduct in the civil service (so-called whistleblowing).
- 7. Exercise of disciplinary authority in service authorities.
- 8. Developing and extending the Civil Service Information System to include other supporting functions
- 9. Producing annual reports on the implementation of the Civil Service Act (a regular task carried out each year).

In connection with the intended Government decree establishing a list of information that must be published as open data, competitive hiring procedures to fill vacant civil service positions will be published in this form.

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4.2 II/2 Streamlining the system of free access to information

4.2 II/2 Streamlii	ning the system of free ac	cess to I	ntormation		
NUMBER AND NAME OF THE COMMITMENT					
	ne system of free access t	o informa	ation		
COMMITMENT STA	ART AND END DATE		ember 2014 (Government Resolution		
		No. 929	,		
		amende	ember 2015 (effective date of the		
ACCOUNTABILIT	LEAD IMPLEMENTING A		,		
Y	NAME OF RESPONSIBLE		Ministry of Interior		
	PERSON	=	Tomáš Jirovec, Adam Furek		
	TITLE, DEPARTMENT		Department of Public		
			Administration, Monitoring and		
			Control		
	E-MAIL		tomas.jirovec@mvcr.cz;		
			adam.furek@mvcr.cz		
	PHONE		974 816 447, 974 816 421		
OTHER ACTORS	CO-LEAD IMPLEMENTIN	G	-		
INVOLVED	AGENCY				
	OTHER		_		
STATE AND	•		ccess to information confirm that the		
DEFINITION OF THE PROBLEM		•	d use of information and "open data" c direction in which to develop public		
TO BE	administration transpare	•	· · ·		
ADDRESSED BY	•	•	/EU of the European Parliament and		
MAKING THE			nending Directive 2003/98/EC of the		
COMMITMENT	European Parliament and	of the C	ouncil on the re-use of public sector		
		•	on should contain a definition of the		
	•		principle), the provider's obligation to		
			processor in technological and		
	,	-	ovision in other countries), or treating rtance as a request for information,		
			s in open data form and determining		
	_		es to formulate data structures, a		
	catalogue of data and organisations published in the form of open data				
	and related processes.				
MAIN	- greater civil service efficiency				
OBJECTIVE	- Increased civil service transparency				
BRIEF	Achieving greater efficiency in the civil service as concerns its openness				
DESCRIPTION	to citizens and enhancing transparency and ensuring more effective				
OF THE	public access to information.				
COMMITMENT					
RELEVANCE	Knowledge of the facts and data is the basis for meaningful civic participation in decision-making in all areas of public administration,				
	participation in decision-r	naking in	i all areas of public administration,		









(A brief description of how this commitment is relevant to advancing OGP values)	from land use planning to the areas of focus of inspection activities. Participation of the general public in the public debate, without unnecessary administrative barriers, ensures more effective public debate of key issues of public decision-making. Easy and administratively simple public access to information is key to achieving this objective.				
	OGP VALUES				
	ACCESS TO INFORMATIO N	CIVIL PARTICIPATIO N	ACCOUNTABILIT Y	TECHNOLOG Y AND INNOVATION	
	X	X	X	X	
AMBITION	The openness of the civil service and the provision of information in formats that enable the easier processing and subsequent use of the information will have a positive impact on public control of the civil service, which in turn will place pressure on it to operate better and more economically. We can also expect a positive economic impact, consisting of a more intensive and efficient use of public sector information by the private sector.				
LEVEL OF	AT THE	LIMITED	SUBSTANTIAL	COMPLETED	
COMPLETION	BEGINNING				
	The comment of the comment	ata fulfillad	Alexander and analysis		
DESCRIPTION OF RESULTS	The commitment was fulfilled through an amendment to Act No.106/1999 Coll., on free access to information, as amended. The draft amendment was adopted (by Resolution No. 17) on 14 January 2015 by the Government and was subsequently submitted to the Chamber of Deputies of the Parliament of the Czech Republic for approval. The Chamber of Deputies debated the draft amendment as Parliamentary document no. 395 and it was adopted on 8 July 2015. The draft amendment was subsequently forwarded to the Senate of the Parliament of the Czech Republic, where it was debated as Senate document no. 113. The draft amendment was adopted by the Senate on 12 August 2015 and sent to the President of the Czech Republic for signature. It was published in the Official Gazette on 10 September 2015 under number 222/2015 Coll. Through Act No. 222/2015 Coll., the methods of providing information requested was explicitly incorporated into the Act on free access to information, particularly with regard to the possibility of also providing information in "special" ways, leading to the more efficient provision of information, particularly to requesters who will re-use it within the meaning of the aforementioned Directive (particularly, but not exclusively, for commercial purposes). In addition to the standard				

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communicating information in electronic or paper form, providing a copy of a document containing the required information, providing a dataset containing the required information or consulting a document containing the required information, the draft provisions in the illustrative list also mention, as methods of providing information, sharing data through an information system interface and allowing remote access to information which is changed, renewed, supplemented, or created repeatedly over time, or providing it on a regular basis by some other means, which may be convenient both for the requester and for the mandatory entity, particularly when the requester would have to repeatedly submit new requests for information that is constantly changing (and the mandatory entity would have repeatedly to administer and handle these requests).

The amended Act on free access to information addresses the following fundamental issues.

- 1. The introduction of an obligation to publish information in open format and, where possible, also in a machine-readable format; the published information, as well as information provided on the basis of a request, shall also be provided together with the related metadata.
- 2. Explicit inclusion of possible methods of providing information, including methods which enable efficient access to information for its reuse.
- 3. More practical treatment of links to published information, where mandatory entities which have referred a requester to a website containing the information in response to a request filed electronically will not have to respond to the requester's demand for the information to be provided directly.
- 4. The introduction of deadlines for reviewing the expiry of exclusive licences issued for the digitalisation of cultural resources.
- 5. The introduction of an obligation to include, in demands for payment of the costs of providing information, information on the requester's right to file a complaint against the amount of the costs charged.

Completed milestones:

- 1. Submission of a bill to the Government completed by the adoption of a Government Resolution on 14 January 2015.
- 2. Creation of guidance notes on changes to the Act on free access to information resulting from the amendment completed by the publication of the guidance notes on 18 November 2015.
- 3. Entry into effect of the amended Act completed by the entry into effect of Act No. 222/2015 Coll., amending the Act on free access to









information, on 10 September 2015.		
COMPLETION DATE	10 September 2015.	
FURTHER STEPS	_	

FURTHER INFORMATION

On the basis of the final approved and promulgated text of the amended Act, the Ministry of Interior prepared guidance notes to facilitate the practical implementation of the adopted changes. On 18 November 2015, the Guidance Notes were published on the website www.mvcr.cz/odk in Section 3. Methodological Assistance for municipalities (specimens of legislation, overview of statutory authorisations, etc.), in Part b) of Act No. 106/1999 Coll., on free access to information under the title "Guidance notes no. 3 on procedures for mandatory entities pursuant to Act No. 106/1999 Coll., on free access to information from where it can be downloaded free of charge.

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4.3 II/3 Improving access to data and information.

	g access to data and information.	1				
NUMBER AND NAME OF THE COMMITMENT						
II/3 Improving access to data and information. COMMITMENT START AND END DATE 30 November 2014 → 31 December 2016.						
		ember 2014 → 31 December 2016.				
ACCOUNTABILIT		,				
Υ	NAME OF RESPONSIBLE PERSON	Michal Kubáň				
	TITLE, DEPARTMENT	Department of the eGovernment Chief Architect				
	E-MAIL	michal.kuban@mvcr.cz				
	PHONE	+420 974 817 502				
OTHER ACTORS INVOLVED	CO-LEAD IMPLEMENTING AGENCY	_				
	OTHER	_				
STATE AND DEFINITION OF THE PROBLEM TO BE ADDRESSED BY MAKING THE COMMITMENT	The Second Action Plan amends a situation where the civil service, with a few minor exceptions, does not publish open data, because there is no legislative support for the publication of open data, there is concern that the law may be violated and there is a lack of methodological support for publishing and cataloguing open data. When the civil service institutions of the Czech Republic do publish some data, it mostly fails to comply with a number of requirements for open data, such as an open and machine-readable format, data completeness or a clear specification of the conditions for its use, which in many cases prevents further use of such data. In many cases, civil service open data are published in a number of different places and much interesting data is therefore difficult for the public to find and its potential remains untapped. All these problems arise because of a lack of uniform standards, methodological support and the absence of the National Open Data Catalogue (NODC) and a lack of legislative support.					
MAIN OBJECTIVE	To support access to data generated and collected by the civil service by the professional and the general public in a manner that allows repeated use of this data for different purposes and in a number of different software applications. The application is created by the public (typically professional) itself, which may even reduce the cost to the civil service of presenting this data to the public.					
BRIEF DESCRIPTION OF THE COMMITMENT	Create a basic infrastructure to increase transparency through open data. Include legislative, methodological and educational activities, as well as the technical background of a National Open Data Catalogue.					
RELEVANCE	_	duction of open data principles. Its nediately promote OGP values on a				

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(A brief description of how this commitment is relevant to advancing OGP values)

number of levels.

The publication of primary and statistical data on civil service activities provides the public with a tool to control the performance and efficiency of individual authorities. It also brings more transparent management of public budgets and property. The development of a knowledge-based economy based on ease of access to large quantities of data from the records of public bodies. Public access to the data needed facilitates research work and the discovery of new knowledge from data obtained from a variety of sources. Regular publication of data sets is a key prerequisite for the emergence of a range of software applications for both commercial and non-commercial use. Knowledge of the facts and data is the basis for meaningful civil participation in decision-making in all areas of public administration, from land use planning to areas of focus of inspection activities.

ACCESS TO INFORMATION

Proactive disclosure of civil service data that was previously difficult to access.

CIVIC PARTICIPATION

Allowing the creation of software applications to involve the public in decision-making and monitoring the relevant data.

Liability

Statutory provisions laying down the rights and obligations of civil service bodies relating to the publication and central records of open data, as well as recommendations for internal responsibilities within organisations.

TECHNOLOGY AND INNOVATION

The publication of civil service open data will give rise to new ways and means of presentation, new innovations, applications and services in both the commercial and non-commercial sectors, provided by private entities and NGOs.

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ACCESS TO INFORMATIO N			TECHNOLOG Y AND INNOVATION
X	X	X	X

AMBITION

Unifying procedures applying to open data, including sample model data sets, ensuring a faster, or more efficient, process for opening up civil service data. A uniform methodology eliminates potential obstacles to the dissemination of open data in the public sector. One of the consequences of opening up data sets may be the development of services and products based on an innovative use of the data. The aim of introducing standards for open data is to transform the civil service into an open and transparent administration, accessible to citizens and

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	other entities.					
LEVEL OF	AT THE	LIMITED	SUBSTANTIAL	COMPLETED		
COMPLETION	BEGINNING	Livinies	COBOTANTIAL	COMIT ELTED		
	22011111110			X		
DESCRIPTION	The commitmen	l nt was achieved	primarily through			
OF RESULTS	implementation	of project	•	4.1.00/D9.00001		
OI KLOULIS	•	' '	ng to open data from			
	of the CR", which was completed on 30 November 2015.					
	,					
	The individual milestones were achieved as follows:					
	,	e project - Complet				
			later than originall			
	•	·	perts in open data w	as formed from		
			ot-for-profit sector.			
	,	•	for Public Administra	ation in Prague -		
	·		-assessment report).	vil contine onen		
	data -	juidance notes for	the publication of ci	vii service open		
		s at 30 Novembe	r 2015. The working	version of the		
	•		•			
		Guidance Notes was consulted with representatives from the Ministries, central government agencies, regional authorities,				
	municipalities with extended powers, other municipalities and the					
	general public and is entitled Standards for the publication and					
	cataloguing c	of civil service oper	n data in the CR. A c	omplete version		
		-	ov.cz and is open t	-		
		•	describe the entire p	•		
	the publication and cataloguing of open data, including a detailed description of the steps to be taken by individual parts of the					
	organisation when opening up data. It also defines so-called sample publication plans for the individual types of civil service bodies (for					
	ministries, central government agencies, regions, municipalities with					
		•		•		
	extended powers and other municipalities). The sample publication plan standardises methods for the publication and cataloguing of					
	=		e of organisation. Af			
	and the inco	rporation of comm	ents, a total of 75 t	ypical data sets		
	were standar	dised in this way.				
			itional Open Data Ca	talogue -		
	• •		assessment report)	_		
		-	s over 6,501 data se			
		•	ent for open licensin	g of the use of		
	•	Partially completed.	prepared to incorpor	rate the issue of		
	_		endment to the Act o			
	•		efines the term ope			
			to data as open.	-		
	GOWII COIIGIL	iono ioi reienning	to data as open.	it imposes an		

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obligation on the MI CR to operate the National Open Data Catalogue. It authorised the Czech Government to call on public authorities to publish selected data sets in open form. On 29 June 2016, the amendment was adopted during its 3rd reading in the Chamber of Deputies, as part of the legislative process (Parliamentary document no. 764). Related to the amendment, a draft Government Regulation on the establishment of a list of information that must be published as open data, which is currently passing through interministerial comment proceedings.

6) The provision of guidelines on the publication of their data for the institutions involved - Completed.

The MI CR regularly provides institutions with methodological support in the form of conferences, training courses and workshops.

The following activities were carried out in 2015 relating to the provision of methodological support:

- Training (415 individuals from a total of 206 civil service bodies received training, of which 10 were ministries, 7 other central government agencies, 8 regional authorities, 69 municipalities with extended powers and 112 other municipal authorities) – provision of know-how in the area of Standards for the publication and cataloguing of sample publication plans (see Milestone no. 3)
- Workshops (36 workshops for 36 entities, during which support was provided in the form of consultations on the publication of their data sets)
- Conference (on 13 November 2015 winding-up conference for the OPLZ CZ.1.04/4.1.00/D9.00001 project "Implementation of strategies relating to open data from the civil service of the CR", with a total of 147 participants)

Support was provided in 2016 in the form of working meetings with representatives from selected ministries on the issue of the completed Government Regulation and the preparation of the Third Action Plan (Ministry of Interior, Ministry of Finance, Ministry of Industry and Trade, Ministry of Education, Youth and Sports, Ministry of Justice, Ministry of Transport, Ministry of Agriculture, Ministry of Foreign Affairs, Ministry of Environment, Ministry of Culture and Ministry of Defence).

Workshops and seminars were also organised in 2016 for representatives from various PA and in cooperation with the professional public, aiming to raise the standard and volume of publication of official bulletin boards for all types of public authority, as well as on additional possible methods of publishing and cataloguing data from the Czech Statistical Office. The professional public also contributes by providing feedback on data that has already been









	published. The general public may currently request individual sets of open data from public institutions, following the aforementioned
	methodology, and require that they be recorded in the National Open
	Data Catalogue.
COMPLETION	31 December 2016. (With regard to the activities required during the
DATE	legislative process)
FURTHER STEPS	In terms of additional steps that have been planned, the Third Action Plan highlights the following activities:
	The opening of priority civil service data sets and supplementing them on the basis of public consultations.
	Supporting the development of the Czech Republic civil service open data ecosystem.
	The Ministry of Interior is currently preparing the Open Data II project, which will include:
	the contextualisation of open data in the National Architectural Plan,
	the development and dissemination of knowledge-based support for the civil service in the form of training courses for civil servants, workshops, expert debates,
	technical and legislative support for public administration institutions for the publication and cataloguing of open data,
	development of the National Open Data Catalogue and links between it and the European Open Data portal.

FURTHER INFORMATION

A legislative basis for open data must be ensured to ensure the publication of open data and this is currently being provided in the form of an amendment to the Act on free access to information. (definition of the term open data, conditions for determining open data, the obligation imposed on the MI CR to operate the National Open Data Catalogue, authorising the Government of the CR to require that public authorities public selected data sets in open data format) On 29 June 2016, the amendment was adopted during its 3rd reading in the Chamber of Deputies, as part of the legislative process (Parliamentary document no. 764). Related to the amendment, a draft Government Regulation on the establishment of a list of information that must be published as open data, which is currently passing through interministerial comment proceedings. It is essential that this list be gradually expanded on the basis of public consultations, which are provided for in the Third Action Plan. The issue of financial support for ministries to publish data under the upcoming Government Regulation has not yet been resolved (the List of information that must be published as open data) for changes to information systems enabling them to public open data, which is required of civil service institutions. It is expected that these changes will be made during the regular updates of information systems and with financial support from EU funds.

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5 Progress in meeting the eligibility criteria

II/1 Adoption of new Civil Service Act, ensuring depoliticisation, stabilisation professionalisation and of public administration implementation in practice

Above and beyond the activities set out under Commitment "II/1 Adoption of a new Civil Service Act, ensuring depoliticisation, professionalisation and stabilisation of public administration and its implementation in practice", a Civil Service Information System was launched, used by all civil service bodies and which also provides data to the public. The information system began operations on 1 July 2015, prior to the planned later deadline of 1 January 2017. The public can use this information system to work with the records of civil servants, to obtain information concerning civil service examinations and the filling of civil service positions.

• II/2 Streamlining the system of free access to information

In connection with the amendment of Act No. 106/1999 Coll., on free access to information, which is the principal piece of legislation covered by Commitment "II/2 Streamlining the system of free access to information", during the consultation period, and above and beyond the requirements of the Commitment, the draft amendment to this Act was published on the Ministry of Interior website. The draft amendment was therefore made available to the public for comment, an opportunity which was subsequently taken up by 10 entities. The Ministry of Interior then invited some of these entities to a personal meeting (the Oživení and Otevřená společnost associations), which are seen to be important NGOs working in the area of the right to information and transparency in public administration. Certain comments emerged from the public consultations and the follow-up meetings, which were incorporated into the draft amendment by the submitter. During the preparation of the amendment to the Act on free access to information, the Ministry of Interior facilitated a public debate on the proposed amendment, which ran in parallel to the interministerial comment proceedings.

II/3 Improving access to data and information

On 13 November 2015, the Ministry of Interior organised a conference for the civil service and the general public – a winding-up conference for the OPLZ CZ.1.04/4.1.00/D9.00001 project "Implementation of strategies relating to open data from the civil service of the CR", with a total of 147 participants) Support was also provided in 2016 to improve access to data and information in the form of working meetings with representatives from selected ministries on the issue of the completed Government Regulation and on the preparation of the Third Action Plan (Ministry of Interior, Ministry of Finance, Ministry of Industry and Trade, Ministry of Education, Youth and Sports, Ministry of Justice, Ministry of Transport, Ministry of Agriculture, Ministry of Foreign Affairs, Ministry of Environment, Ministry of Culture and Ministry of Defence). Workshops and seminars were also organised in 2016 for representatives from various PA and in cooperation with the professional public, aiming to raise the standard and volume of publication of official bulletin boards for all types of public authority, as well as on more suitable methods of publishing and cataloguing data from the Czech Statistical Office. The professional public also contributes by providing feedback on data that has

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already been published. The general public may currently request individual sets of open data from public institutions, following the aforementioned methodology, and require that they be recorded in the National Open Data Catalogue.

6 Cooperation with other countries (Peer Exchange and Learning)

II/1 Adoption of new Civil Service Act. ensuring depoliticisation. professionalisation and stabilisation of public administration implementation in practice

On 15 October 2015, the 4th meeting was held of the joint working group of the Czech Republic and the European Commission on the implementation of the Civil Service Act, led by Deputy Minister of the Interior for the Civil Service, RNDr. Josef Postránecký and Zoltán Kazatsay, Deputy Director General, responsible for employment, social affairs and inclusion.

At this meeting it was found that by passing the Civil Service Act, the Czech Republic was effectively implementing all four fundamental elements as defined in the Partnership Agreement - laying down principles and fundamental values for public administration, the stability of the civil service, transparent recruitment of state employees and adequate and fair compensation. The only remaining area awaiting completion is the process of establishing a new Agency for Enterprise and Innovation.² However, the Czech Republic committed to ensuring that this agency would be fully operational by 1 January 2016 under the relevant operational programme. Given that an evaluation of the wider impacts of the Civil Service Act will require a longer period of time, the Commission has emphasised the need to continue to monitor the process of its implementation under the appropriate formats, particularly the European Semester.

It was concluded that the process of making the Czech civil service more professional and transparent is making progress and that it will only be possible to assess the effectiveness of the Czech government agencies in implementing the Civil Service Act in the future, while the reforms carried out in the Czech Republic will in future meet the objectives set.

• II/2 Streamlining the system of free access to information

In accordance with Commitment "II/2 Streamlining the system of free access to information", the Ministry of Interior organised a conference on the Right to information vs. its protection on 27 November 2014, which was also attended by representatives from Germany and Austria. The topic of the conference was to discuss current issues concerning the exercise of the right to information in the Czech Republic, taking into account the experience of other countries, and finding ways of improving the legislation regulating the provision of information in the CR. The specific issues discussed related to

² The Agency for Enterprise and Innovation was established by Act No. 149/2016 Coll., amending Act No. 47/2002 Coll., on support for small and medium-sized enterprises and on amendments to Act No. 2/1969 Coll., establishing ministries and other central state administration authorities of the Czech Republic, as amended, which entered into effect on 1 June 2016.

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protection of those requesting information, including the option of establishing a position of information commissioner, as well as the issue of links between the right to privacy and protection of personal data and the right to information and issues relating to the possible misuse of the right to information by the requester. The conference was also transmitted on-line via the internet, and those watching were also able to raise questions.

• II/3 Improving access to data and information

Outputs from activities were consulted:

- with representatives of the Slovak Lead Implementing Agency, the National Agency for Network and Electronic Services (Národná agentúra pre sieťové a elektronické služby),
- with representatives from the European Commission and representatives from the European Open Data portal to link the experience of an outputs from the individual activities and to connect the National Open Data Catalogue with the European Open Data portal,
- and during communications with representatives from the World Wide Web Foundation as part of the provision of feedback and support documentation for the international Open Data Barometer 2014 and 2015 editions.

7 Conclusion, further initiatives and next steps

7.1 Experience gained to date

The implementation process for the OGP Second Action Plan helped to develop communication and cooperation between ministries and other administrative authorities and civil society entities and NGOs focusing on the area of transparency, the fight against corruption and access to information published in the form of open data. The experience gained was subsequently used to create the Third Action Plan, to formulate stronger and better defined commitments with wider potential impact.

Despite delays in the legislative process during the stage after government approval for tasks that required legal backing in the form of an Act, most of the Commitments set out in the Second Action Plan were completed. Commitment "II/1 Adoption of a new Civil Service Act, ensuring depoliticisation, professionalisation and stabilisation of public administration and its implementation in practice" is proceeding as anticipated, through activities planned for the period from 2016 to 2018 in the form of a follow-up commitment in the Third Action Plan. Based on its experience, when formulating the Third Action Plan, the Government has avoided the problem of possible delays by setting deadlines that account for the possible extension of the individual stages of the legislative process.

7.2 Further initiatives

In the environment of the Czech Republic, the values promoted under the OGP are extremely closely associated with the government's anti-corruption policies. Three of the four priority areas identified in the Government Anti-Corruption Conception for the years 2015 to 2017, the Anti-Corruption Action Plan for 2015 and the Anti-Corruption Action Plan for 2016 closely relate to the OGP. They are:

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- an efficient and independent executive;
- transparency and free access to information;
- development of civil society.

The Government of the Czech Republic has set priority tasks for these areas of the fight against corruption, which, by their nature, derive from the values and Grand Challenges of the OGP and further develop them. One of the initiatives, which was implemented by the Government of the CR and which goes beyond the framework of the Second Action Plan, is the opening of the Electronic Library of the Legislative Process, the so-called VeKLEP, to the public. Any submitted legislative materials, as well as non-legislative materials that impact legislation, will be available to the general public, which will allow civil society to participate in decision-making and the administration of public affairs on the basis of easily accessible information, as an integral part of a functional democratic and legal state. The Ministry of Interior is currently preparing the *Open Data II* project, which will include:

- the contextualisation of open data in the National Architectural Plan,
- the development and dissemination of knowledge-based support for the civil service in the form of training courses for civil servants, workshops, expert debates,
- technical and legislative support for public administration institutions for the publication and cataloguing of open data,
- development of the National Open Data Catalogue and links between it and the European Open Data portal.

7.3 **Next steps**

During the first half of 2016, consultations took place on the preparation of the Third Action Plan. In addition to the ministries and other administrative offices, the Supreme Audit Office, the Supreme Public Prosecutor's Office, the Association of Towns and Municipalities, the Association of Regions, the Ombudsman's office, representatives from civil society, NGOs and academia (Transparency International ČR, Oživení, Otevřená společnost, zIndex, Veřejnost proti korupci, Nadační fond proti korupci, the Silesian University in Opava, the University of Economics in Prague), the Czech Chamber of Commerce and representatives from a wide range of professional chambers also attended these consultations. The Third Action Plan, which emerged from these consultations was subsequently approved by the Government of the Czech Republic on 22 June 2016 and, on 30 June 2016, sent, in Czech and English, to the OGP Steering Committee and published on the OGP website. The Third Action Plan sets out the Czech Republic's commitments, which can be divided into three thematic groups - implementation of the Civil Service Act to practise, improving access to data and information and recreating safe communities. In this way, the Third Action Plan responds to 4 of a total of 5 OGP Grand Challenges - improving public services, increasing public integrity, more effectively managing public resources and creating safer communities. During the period from 2016 to 2018, the commitments included in the Third Action Plan will be achieved according to the timetable, while at the same time, unlike the implementation of the Second Action Plan, more emphasis will be placed on ensuring the participation of the public at all stages involved in meeting these commitments, wherever possible.

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7.4 Conclusion

The creation and implementation of OGP action plans is another way for the Czech Republic to improve the functioning of its public administration, to move closer to the principles of good governance and also to broaden and deepen the options for dialogue and cooperation with civil society, which is one of the critical pillars of modern Western pluralistic democracy. Another important activity, which is positively impacted by the creation and implementation of OGP action plans, is the free, on-line provision of information generated and managed by the state, in a structured, machine-readable form, in accordance with open data standards. This type of information, provided by the state, facilitates greater transparency and contributes to the fight against corruption and more efficient management of state property. In addition to the abovementioned benefits, the use of open data also contributes to creating new economic opportunities and to the growth of the overall economy in the form of high added value from the processing of data and the development of related services.

The Second Action Plan contributed to creating the conditions required to meet the commitments "II/2 Streamlining the system of free access to information" and "II/3 Improving access to data and information", which were successfully completed. All the activities planned under commitment "II/1 Adoption of a new Civil Service Act, ensuring depoliticisation, professionalisation and stabilisation of public administration and its implementation in practice" were completed within the time allocated to the Section Action Plan, and activities with a later completion date were transferred to the follow-on commitment under the Third Action Plan. We can therefore conclude that the Second Action Plan contributed to the promotion of open government in the Czech Republic.

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8 List of abbreviations

CR Czech Republic EU European Union

IRM Independent Reporting MechanismCSIS Civil Service Information System

MEYS Ministry of Education, Youth and Sports

MI Ministry of Interior

NODC National Open Data CatalogueOGP Open Government Partnership

PA public authority

OGRPA Office for Government Representation in Property Affairs

VeKLEP eKLEP for the public