



## X. OPEN AND RESPONSIVE GOVERNMENT

28. Open government legislation
29. E-Government readiness
30. E-Government service maturity
31. Uptake of e-government services

*Better educated and informed citizens increasingly demand accountability for government decision making, and more accessible, user-friendly public services. E-government is a key enabler for that. Open and responsive government refers to the transparency of government actions, the accessibility of government services and information, and the responsiveness of government to new ideas, demands and needs. Efficient and effective information provision and service delivery to the public are a key elements in improving accountability and trust in government. The current crisis has forced governments to make urgent and swift decisions with limited engagement of the public in the decision-making process. Being accountable, transparent and responsive during the implementation of the solutions to the crisis is imperative to maintain public trust.*

*This chapter tracks OECD member countries' response to demands for greater openness by passing legislation on access to information, privacy, data protection and administrative procedures; and creating ombudsman offices and supreme audit institutions. It also presents indicators that evaluate the readiness of a country for e-government development and implementation, and measure the supply, maturity and uptake of e-government services. The data allow for the comparison of the legal framework for open and responsive government across countries and an evaluation of the extent that countries are using e-government as a means to improve the quality of public services.*

### 28. Open government legislation

Today, the legal framework for open government is largely in place in OECD member countries, and consists of:

- **Laws on access to information** give citizens the right to access information held by government. This is a precondition for public scrutiny and participation.
- **Laws on privacy and data protection** set parameters directing when information cannot be provided to the public in the interest of protecting personal data.
- **Laws on administrative procedures** provide some guarantees for citizens in their interactions with government and establish mechanisms for holding administrative bodies accountable.
- **Laws on ombudsman institutions** establish a point of contact for citizens' complaints, appeals and claims for redress in their dealings with government entities.
- **Laws on supreme audit institutions** provide for an independent review of public accounts and the execution of government programmes and projects.

This legal framework has evolved steadily over the past 50 years. Among the 24 countries that were OECD members in 1980, less than a third had legislation on access to information. In general, Nordic countries were the first to adopt these laws. The momentum for open government gained in the 1990s, and by 2001, the number of countries that had passed access-to-information legislation had almost doubled. By 2008, 29 of the 30 member countries had adopted access-to-information laws. Some OECD member countries have even incorporated open government principles into their constitutions (*e.g.* Austria, Hungary and Poland).

The institutional framework needed to implement and enforce these laws has grown apace. In addition to the legal guarantees for the privacy of personal data adopted in most OECD member countries, over two-thirds of OECD member countries have established parliamentary commissioners for data protection and privacy. In 1960, only Sweden, Finland and Denmark had an ombudsman office; today, 90% of OECD member countries have such institutions or their equivalents. All OECD member countries have a supreme audit institution, in most cases an independent authority which reports directly to the legislature.

#### Methodology and definitions

The data are an excerpt of a wider set of data last updated in April 2008 by government representatives to the OECD Public Governance Committee. Table 28.1 looks at the specific pieces of legislation in place, and figures 28.2 and 28.3 are based on the date of first passage of legislation at the national level. The ombudsman is an independent investigator who intervenes on behalf of citizens alleging they have been treated wrongly by bureaucracy. None of the tables or figures evaluates how effectively these laws have been implemented, used and enforced.

#### Further reading

- OECD (2001), *Citizens as Partners: Information, Consultation and Public Participation in Policy Making*, OECD, Paris.
- OECD (2005), *Modernising Government: The Way Forward*, OECD, Paris.
- OECD (2009), *Focus on Citizens: Public Engagement for Better Policy and Services*, OECD, Paris.

#### Note

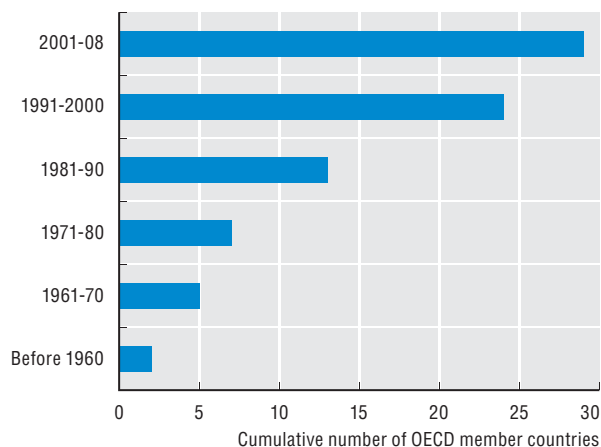
28.1: While Italy does not have a national ombudsman, extensive coverage is provided by sub-national ombudsman institutions and a government-appointed commission oversees implementation of the law on access to public information. Turkey passed a law on a national ombudsman in 2006 which was subsequently suspended by a Constitutional Court ruling. While Switzerland does not have an ombudsman, the law on data protection appoints a person to advise and monitor the law's interpretation and the law on transparency assumes that this person also serves as a mediator. In countries without specific laws on administrative procedures, such as Canada and Ireland, other legislation (*e.g.* freedom of information or privacy/data protection) can provide mechanisms for citizens to hold governments accountable.

28.1 Overview of current legislation and institutions for open government (2008)

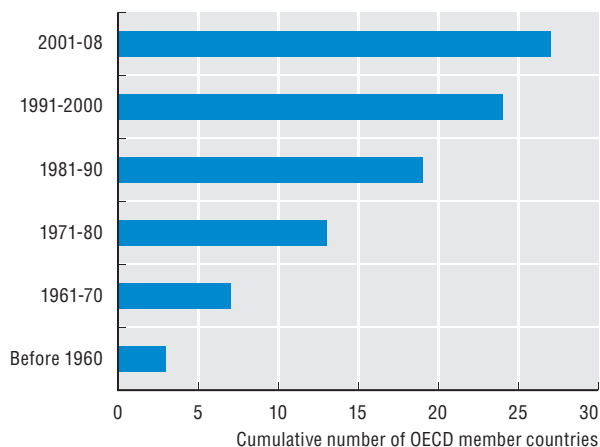
	Freedom of information	Privacy/data protection	Administrative procedures	Ombudsman/commissioner	Supreme audit institution
Australia	●	●	●	●	●
Austria	●	●	●	●	●
Belgium	●	●	○	●	●
Canada	●	●	○	●	●
Czech Republic	●	●	●	●	●
Denmark	●	●	●	●	●
Finland	●	●	●	●	●
France	●	●	●	●	●
Germany	●	●	●	●	●
Greece	●	●	●	●	●
Hungary	●	●	●	●	●
Iceland	●	●	●	●	●
Ireland	●	●	○	●	●
Italy	●	●	●	●	●
Japan	●	●	●	●	●
Korea	●	●	●	●	●
Luxembourg	○	●	●	●	●
Mexico	●	○	●	●	●
Netherlands	●	●	●	●	●
New Zealand	●	●	●	●	●
Norway	●	●	●	●	●
Poland	●	●	●	●	●
Portugal	●	●	●	●	●
Slovak Republic	●	●	○	●	●
Spain	●	●	●	●	●
Sweden	●	●	●	●	●
Switzerland	●	●	●	○	●
Turkey	●	○	○	○	●
United Kingdom	●	●	●	●	●
United States	●	●	●	○	●
European Union	●	●	○	●	●

● Legislation in place.  
○ Legislation not in place.

28.2 Number of OECD member countries with laws on access to information (1960-2008)

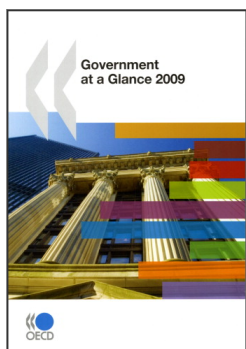


28.3 Number of OECD member countries with laws on ombudsman institutions (1960-2008)



Source: OECD (2009), Focus on Citizens: Public Engagement for Better Policy and Services, OECD, Paris.

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