

Chapter 3. Ensuring a sustainable implementation of Biscay's open government agenda

This chapter analyses the internal capacities and current initiatives in place in the province of Biscay to ensure a culture of open government. In particular, it examines the Province's institutional and co-ordination framework as well as its human and financial resources. Finally, it reviews Biscay's information and communication technology (ICT) environment as a key enabler to modernise its public administration through open government reforms.

Introduction

Due to the transversal nature of open government reforms and the need to involve different stakeholders, strong institutional arrangements with appropriate co-ordination mechanisms are needed. Having the right institutional arrangements - understood as the existence and interaction of different stakeholders in a given national or local government that have a mandate and/or a role to play in the open government agenda - will ensure effective and efficient implementation of an open government strategy and its initiatives.

The success and ability to reach intended goals and attain higher impact do not solely rely on a strategy or the existence of an office in charge. This office needs to provide strong leadership and effective co-ordination, as well as strategic guidance. Adequate human and financial resources are also key. To this end, policy makers and civil servants need to be well trained, informed and aware of the benefits that a comprehensive open government strategy and initiatives can yield to enhance transparency, integrity, accountability and stakeholder participation. Furthermore, as many open government initiatives are enabled through the use of information and communication technologies (ICTs) by governments and other stakeholders it is important to develop them and promote their use. Open government data (OGD) portals or online consultations are also vital for open government initiatives to thrive.

This chapter will therefore assess the various components that constitute the foundation for a change in the culture of governance towards effective open government reforms in the province of Biscay (legally referred as “historic territory”¹). While this selection of factors is not exhaustive, none of the open government initiatives can exploit its full potential if it is not empowered by each of these underlying components.

Towards robust institutional arrangements for effective and sustainable implementation of Biscay's open government agenda

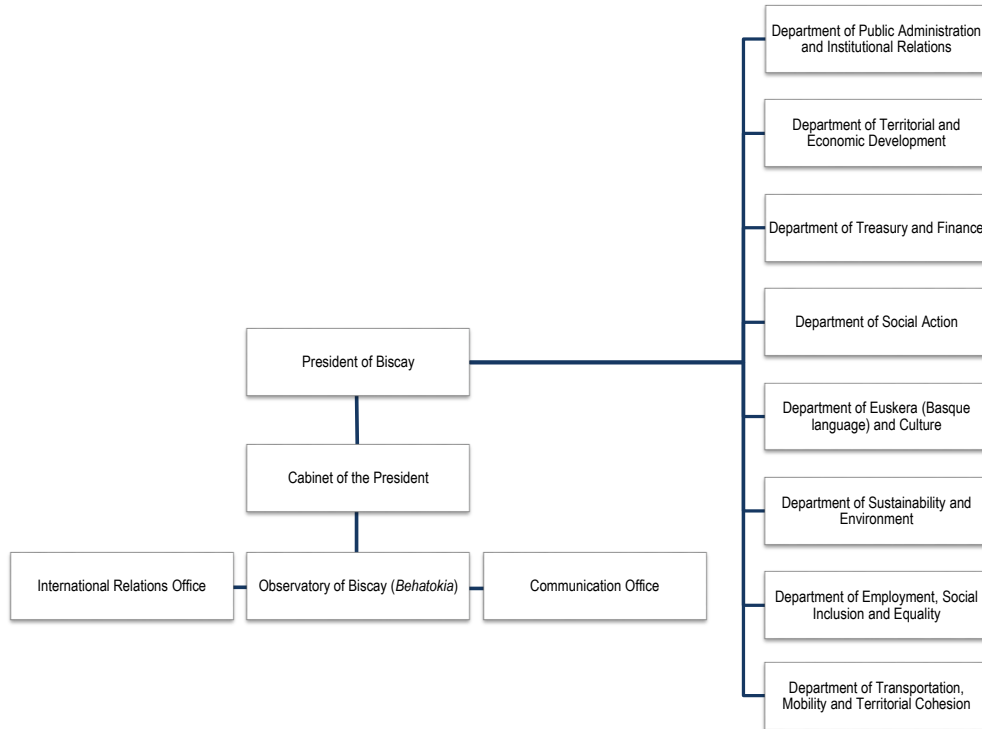
Successful open government reforms require that a variety of stakeholders be involved in their development and implementation, including public institutions at all levels, independent institutions as well as civil society organisations, academia and the media, to mention a few. The provision 4 of the Recommendation of the Council on Open Government (hereafter the “OECD Recommendation”) calls upon governments to “co-ordinate, through the necessary institutional mechanisms, open government strategies and initiatives - horizontally and vertically - across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives” (OECD, 2017^[1]).

As discussed in Chapter 2, since the beginning of the current mandate in 2015, the Provincial Council of Biscay (*Diputación Foral de Bizkaia*, hereafter “Biscay”), which constitutes the government of the Province, has shown high-level political commitment to open government principles. Accordingly, the new government created two new bodies that now constitute the main institutional actors of the current open government agenda (see Figure 3.1) and are in charge of implementing most of the 14 commitments included in the Open Government Action Plan (OGAP) 2017-19:

- the Observatory of Biscay (*Observatorio de Bizkaia, Behatokia*) attached to the Cabinet of President Rementeria
- the Cabinet of Modernisation, Good Governance and Transparency (*Gabinete de Modernización, Buen Gobierno y Transparencia*) as a unit of the

Department of Public Administration and Institutional Relations, one of the nine departments (or provincial ministries, hereafter “Departments”) of Biscay

Figure 3.1. Organigram of the Provincial Council of Biscay



Note: This is a simplified version of the organigram of the Provincial Council of Biscay that includes only the cabinet and departments.

Source: Provincial Council of Biscay (2015^[2]), *Organigrama de la Diputación Foral de Bizkaia (Organigram of the Provincial Council of Biscay)*, <http://gardentasuna.bizkaia.eus/documents/1261696/1266880/2018-10-09+Organigrama+DFB.pdf/535e2297-a09f-eda8-8edc-a9650266c974>.

The Observatory of Biscay (hereafter “*Behatokia*”) is responsible for monitoring and evaluating public policies, co-ordinating and implementing participative initiatives and co-ordinating transversal youth policies (Boletín Oficial de Bizkaia, 2016^[3]). In addition, *Behatokia* is the leading actor of the open government agenda. It is responsible for elaborating, co-ordinating and monitoring the OGAP, as well as implementing the following commitments:

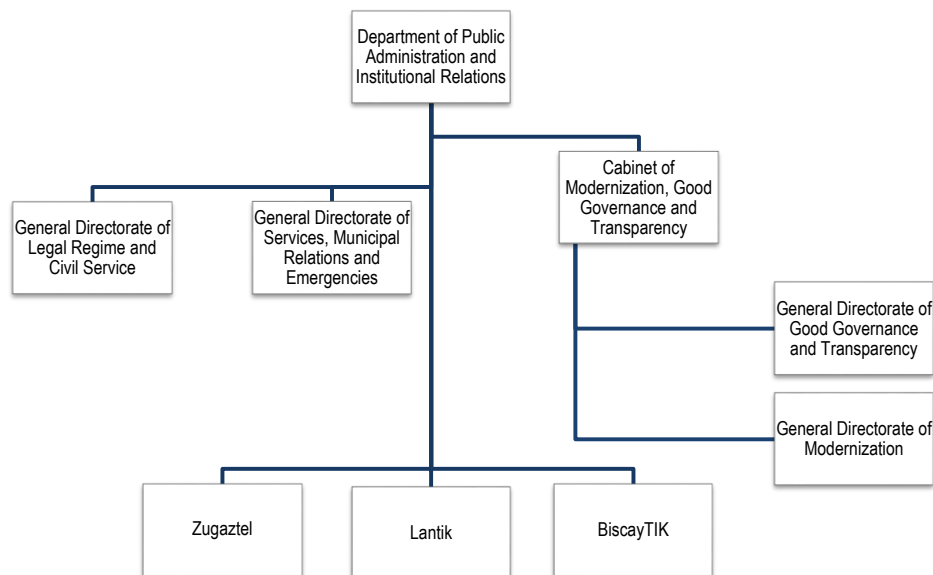
- Commitment 4. Promote accountability initiatives in the management of the Provincial Council of Biscay.
- Commitment 5. Define a monitoring and evaluation system for the Provincial Council of Biscay.
- Commitment 6. Develop a model for citizen participation.
- Commitment 13. Develop projects that bring together the public and private sectors and involve young people to generate social value.

The Cabinet of Modernisation, Good Governance and Transparency (hereafter the “Cabinet”) is composed of a Strategic Planning Office (*Jefatura de Gabinete*) and two

General Directorates (*Direcciones Generales*): 1) Modernisation (*Modernización de la Administración*); and 2) Good Governance and Transparency (*Buen Gobierno y Transparencia*) (see Figure 3.2). Both play an important role in the open government agenda. The main competencies of the Cabinet are to elaborate strategic guidelines and to identify priority areas for the administration. It is also responsible for co-ordinating inter-departmental initiatives and projects focused on modernising the public administration through digital government, improving public services for citizens, and making more efficient use of resources under a transparency and good governance umbrella (Boletín Oficial de Bizkaia, 2016^[4]).

In particular, the General Directorate of Modernisation is responsible for simplifying internal processes and reducing administrative burdens by developing the necessary technological tools through the state-owned enterprise, Lantik, dedicated to plan and implement the IT policies defined by the Provincial Council (for more information on Lantik, see the section “Biscay’s initiatives on digital government and open data”). In turn, the General Directorate of Good Governance and Transparency is in charge of implementing inter-departmental projects related to building a more modern, innovative and transparent administration. It promotes initiatives to make the use of public resources more efficient and implements all activities related to transparency, risk management and compliance (Boletín Oficial de Bizkaia, 2016^[4]) (see Figure 3.2).

Figure 3.2. Organigram of the Department of Public Administration and Institutional Relations



Note: The chart shows a simplified version of the department and includes units related to the open government agenda only. Zugaztel is a state-owned enterprise focused on providing support services to citizens through different phone and telematics channels. Lantik is also a state-owned enterprise dedicated to plan and implement the IT policies defined by the Provincial Council. BiscayTIK is a non-profit public institution with the overarching objective of modernising the municipalities of Biscay.

Source: Provincial Council of Biscay (2015^[5]), *Organigrama del Departamento de Administración Pública y Relaciones Institucionales*, http://gardentasuna.bizkaia.eus/documents/1261696/1869179/Organigrama_Administraci%C3%B3nP%C3%BAAbicayRelacionesInstitucionales.pdf/27b881aa-e91d-1c95-e9b4-1a1cb499bb6a.

The Cabinet is responsible for the following OGAP commitments through its General Directorates:

- General Directorate of Good Governance and Transparency:
 - Commitment 1. Create and implement a transparency plan for the Province.
 - Commitment 2. Develop an open data initiative of Biscay.
- General Directorate of Modernisation:
 - Commitment 9. Set up a new comprehensive model to provide public services.
 - Commitment 10. Reduce bureaucracy.

In addition, other actors are part of the open government agenda in Biscay as they are responsible for a specific OGAP commitment or they play an important role in the implementation of the commitments (Table 3.1).

Table 3.1. Actors involved in the implementation of Biscay's Open Government Action Plan

Commitment	Main responsible actor	Other actors involved
Commitment 1. Create and implement a transparency plan for the Province.	General Directorate of Good Governance and Transparency	Public sector: Provincial Council and municipalities Other: Stakeholders committed to transparency
Commitment 2. Develop the open data initiative of Biscay.	General Directorate of Good Governance and Transparency	Public sector: Lantik, Departments of the Provincial Council, BiscayTIK Other: Re-users of data, private companies
Commitment 3. Open provincial budgets.	General Directorate of Treasury	Public sector: <i>Behatokia</i> , the General Directorate of Communication, the Cabinet
Commitment 4. Promote accountability initiatives in the management of the Provincial Council of Biscay.	<i>Behatokia</i>	Public sector: Departments of the Provincial Council Other: Social entities in the Province
Commitment 5. Define a policy evaluation system for the Provincial Council of Biscay.	<i>Behatokia</i>	Public sector: The Cabinet
Commitment 6. Develop a model for citizen participation.	<i>Behatokia</i>	Public sector: Lantik, BiscayTIK, Departments of the Provincial Council Other: Citizens, social entities
Commitment 7. Foster social participation in gender equality policies.	General Directorate of Equality, Cooperation and Diversity	Public sector: Departments of the Provincial Council and state-owned enterprises Other: Women associations, citizens
Commitment 8. Develop technological tools for the municipalities in Biscay.	Department of Public Administration and Institutional Relations and BiscayTIK	Public sector: <i>Behatokia</i> and General Directorate of Good Governance and Transparency Other: Start-ups and tech companies, companies specialised in transparency and citizen participation
Commitment 9. Set up a new comprehensive model to provide citizen services.	General Directorate of Modernisation and the Department of Public Administration and Institutional Relations	Public sector: Department of Public Administration and Institutional Relations and General Directorate of Municipal Services and Emergencies Other: Citizens and entities deployed in several regions of the Province

Commitment	Main responsible actor	Other actors involved
Commitment 10. Reduce bureaucracy.	General Directorate of Modernisation and the Department of Public Administration and Institutional Relations	Public sector: Departments of the Provincial Council Other: Social entities in the Province, the private sector and other stakeholders
Commitment 11. Generate economic value through collaborative initiatives with businesses within the territory.	General Directorate of Business Promotion and Economic Development and the Department for Economic Territorial Development	Other: Private sector, including SMEs
Commitment 12. Develop projects that bring together the public and private sectors to generate social value.	General Directorate of Promotion of Personal Autonomy and the Social Action Department	Other: Third-sector entities in Biscay
Commitment 13. Develop projects that bring together the public and private sectors and involve young people to generate social value.	<i>Behatokia</i>	Public sector: Departments of the Provincial Council Other: Municipalities, universities, Council of Youth of the Basque Country, youth
Commitment 14. Create and develop a provincial law for conflicts of interest and incompatibilities.	Department of Public Administration and Institutional Relations	

Source: Provincial Council of Biscay (2017^[6]), *Bizkaia Irekia: Plan de Acción de Gobierno Abierto (Open Biscay: Open Government Action Plan)*, <http://gardentasuna.bizkaia.eus/documents/1261696/1397467/Plan+de+Gobierno+Abierto.pdf/d96264cf-022e-a2c0-3919-e1778372436c>.

A well-positioned single office with a clear and disseminated mandate would be key for a successful co-ordination of the open government agenda in Biscay

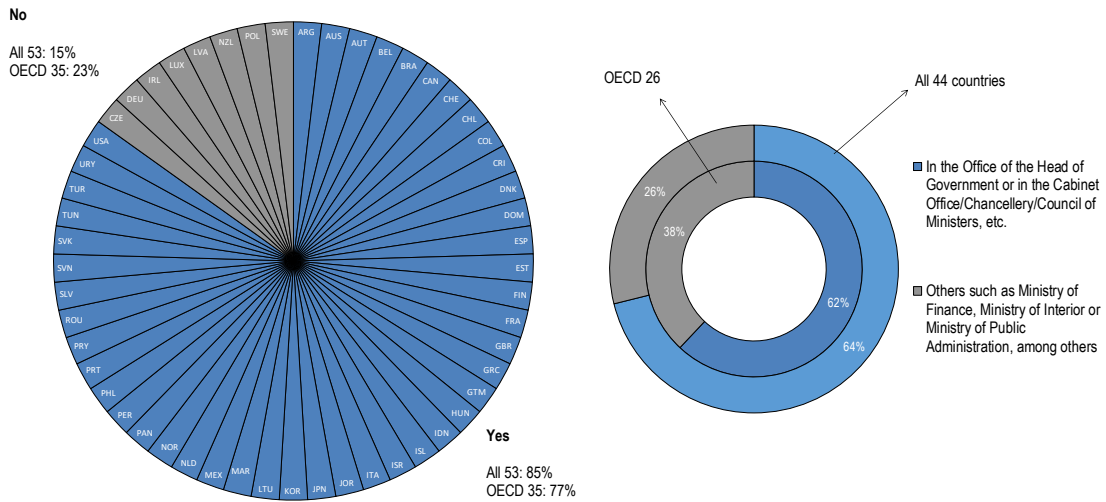
Open government touches upon a variety of transversal policy areas, making the creation of horizontal and vertical co-ordination mechanisms necessary to ensure that the goals outlined in the strategy are actually met. Given the existence of a comprehensive open government strategy that regroups a variety of distinct initiatives, implementation is made particularly more complex, as the responsibility for implementation lies with a significant number of actors across the public administration.

Evidence indicates that countries that have a single office in charge of co-ordinating, implementing, monitoring and evaluating the open government strategy and initiatives are more likely to achieve positive outcomes. Having a single office makes it possible to mainstream initiatives, ensure coherence in their implementation, support public officials, address challenges and ensure accountability with regard to the results and impacts of the open government agenda.

A majority of OECD countries has a dedicated office in the government responsible for the horizontal co-ordination of the open government strategy and initiatives (77% in OECD countries) (Figure 3.3). Most of these countries have added the open government agenda to an existing institution (70% in OECD countries) while only a few created a new unit to address it (19% in OECD countries).

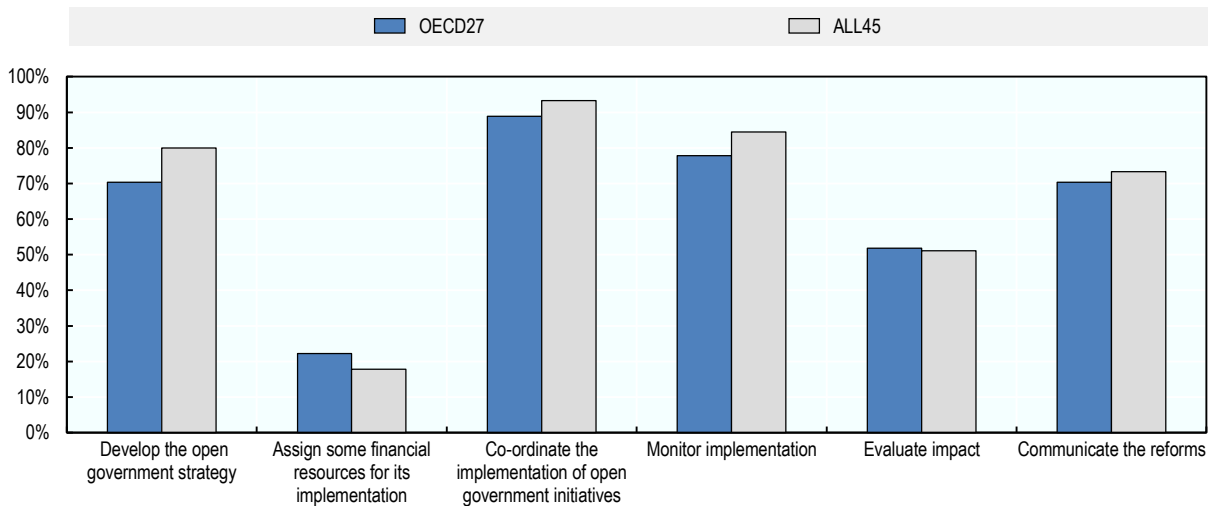
Biscay chose to decentralise the implementation of the plan so that each commitment is owned by the department in charge of its implementation, so as to create ownership and a shared responsibility of the OGAP (see Table 3.1). It allocated the responsibility for co-ordinating, elaborating and monitoring the OGAP to *Behatokia* (Provincial Council of Biscay^[7]). These are common responsibilities of the offices in charge of open government in OECD countries, as in 89% of OECD countries these offices are responsible for co-ordinating the implementation of open government initiatives and in 70% of OECD countries for developing an open government strategy (Figure 3.4).

Figure 3.3. Existence and location of a dedicated office responsible for the horizontal co-ordination of open government initiatives in OECD countries



Source: OECD (2016^[8]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

Figure 3.4. Responsibilities of offices in charge of open government in OECD countries



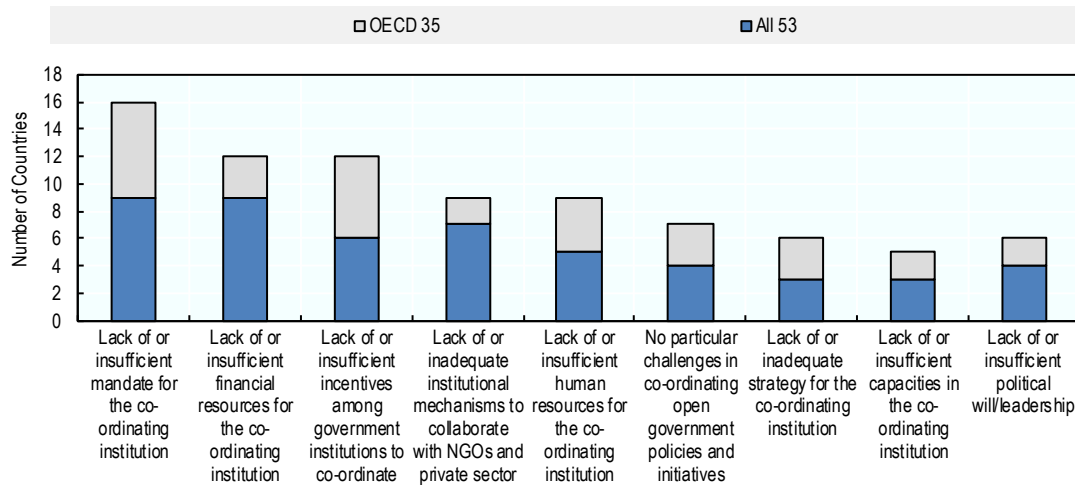
Source OECD (2016^[8]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

The current institutional arrangements contribute to a sectoral implementation of the OGAP, which in turn, is replicated in the open government agenda, as the principles of open government (e.g. transparency) are scattered among different departments, leading to a fragmentation of the agenda. Although this could contribute to more ownership of each of the commitments of the OGAP, there is a lack of clarity with regard to which office is in charge of co-ordinating the OGAP and to which is in charge of the whole open

government agenda. This lack of clarity was noted during the OECD fact-finding mission. Public officials did not tend to associate open government to any mechanism or overarching strategy, but rather to parcelled initiatives, topics or even individuals. For instance, they were inclined to link transparency to the General Directorate of Good Governance and Transparency, and citizen participation and accountability to *Behatokia*, but few of them associated *Behatokia* as the main actor in charge of co-ordinating the OGAP. This can lead to working in silos, to a misinterpretation or narrow view of what open government is and can limit the potential for synergies between, and impact of, the initiatives and even to a lack of accountability as to who is responsible for the overall implementation, the success or failures of the plan as a whole.

For instance, few public officials referred to Biscay's open government definition as “a relational, transparent, participative, accountable and collaborative government that evaluates” (see Chapter 2), limiting the potential that the open government agenda may have and the change of culture the Province wants to achieve. Instead, some public officials only referred to open government as “transparency”, while others to “citizen participation” or to “open data”, depending on their contribution to a specific commitment or to the institutional actor with whom they need to speak.

As explained above, in Biscay, there are two offices taking the lead on open government related issues. So far, this unique institutional arrangement for open government has been working well and coordinated. However, to ensure effective and efficient implementation of an open government strategy and its initiatives, most OECD countries are moving to establish one office in charge of developing and coordinating the strategy and the open government agenda as well as monitoring its implementation. The office in charge needs to be fully recognised as leading the open government agenda and have a clear mandate that sets specific tasks and responsibilities with regard to it. Hence, information about the central role and responsibility of the office needs to be well disseminated and communicated to ensure that the open government strategy is coherently implemented. According to OECD data, the most common challenge in co-ordinating open government strategies is the lack of a clear mandate as it creates overlaps, confusion among stakeholders, lack of accountability with relation to the strategy, and misuse of scarce resources (OECD, 2016^[8]) (Figure 3.5).

Figure 3.5. Challenges in co-ordinating open government initiatives

Note: This chart illustrates the 3 main challenges in co-ordinating Open Government initiatives of countries. The X axis shows the main challenges cited by countries, and the Y axis represents the number of countries who named each challenge.

Source: OECD (2016^[8]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

Given this, if Biscay wants to continue expanding its open government agenda beyond the OGAP and ensure its sustainability, it could designate an office responsible for developing and co-ordinating the strategy and the open government agenda as well as for monitoring its implementation, while maintaining sectoral ownership of the open government initiatives. The office needs to have a clear and well-disseminated mandate and use a more proactive approach to positioning it as the office in charge.

Furthermore, the institutional location of this office is essential, as it needs to have a whole-of-government approach to open government as well as the necessary political leverage. As mentioned in Chapter 2, political commitment, support and leadership are key to the success of an open government strategy. It allows policy leaders to use their power, influence, and personal involvement to ensure that reforms, plans and initiatives receive the visibility, resources, and the ongoing political support required to overcome resistance to change, internal and external opposition and avoid deadlock (The Policy Project, 2000^[9]). It is thus recommended that the office in charge of co-ordinating the open government agenda be located at what the OECD calls the Centre of Government (CoG) (OECD, 2014^[10]), so as to facilitate a comprehensive view, provide strategic oversight, leadership and co-ordination. Such is the case in Biscay, where *Behatokia* and the Cabinet are located at the CoG.

The CoG is known by different names in different countries, such as Chancellery, Cabinet Office, Office of the President, Office of the Government, etc. It is playing more and more of an active role in policy development, co-ordination, leadership, collaboration and co-operation across public administrations. The CoG aims to secure a strong, coherent and collective strategic vision - especially as it relates to major cross-departmental policy initiatives (OECD, 2014^[10]). OECD data show that as per Biscay, the office in charge of open government is most commonly attached to the office either at the Office of the Head of Government (37% in OECD countries) or to the Cabinet Office/Chancellery (27% in

OECD countries). Other institutions include the Ministry of Finance, the Ministry of Interior/Home Affairs or the Ministry of Public Administration (OECD, 2016^[8]).

Therefore, Biscay could ensure that the office in charge of co-ordinating the open government agenda remains at the highest level, as the CoG fosters the proper co-ordination of open government strategies and initiatives by:

- facilitating the link between open government objectives with the broader national ones by connecting open government principles, the strategy and its initiatives across government (including different sectors and different levels of government) as well as with non-state actors, so as to promote a shared vision of the open government agenda
- promoting visibility across the government and among citizens of existing good practices in the area of open government, as well as institutional champions in this area
- strengthening the strategic use of performance data across the public sector, as this helps to measure and evaluate the impact of the open government strategy and initiatives (OECD, 2016^[8]).

Ad hoc mechanisms for horizontal and vertical co-ordination are needed to ensure a sustainable implementation of the open government agenda

As in many local governments, Biscay's size allows it to work with a certain level of familiarity and informality, thus facilitating certain actions and activities, providing greater proximity to its citizens and granting more flexibility to policy makers to identify needs, tailor public policies and involve its citizenship in policy implementation and evaluation. In addition, it allows fluid exchanges between those involved, quicker kick-off of the strategy and initiatives, immediate solutions to common challenge and ease cooperation.

However, this lack of institutionalisation may hinder the long-term impacts of the strategy and real cultural change within the public administration. Biscay could ensure that the open government strategy permeates through all public institutions and reach a new culture of governance. As noted by the OGAP progress report, there is a need for “creating intermediate roles or profiles that hold a position of interlocution between transversal issues (such as open government) and the different Departments of the Provincial Council” (Provincial Council of Biscay, 2018^[11]). For this, Biscay could designate open government officers in each of the departments, as is done in other countries, such as Costa Rica and Canada (Box 3.1). It is important that these public officials not be dependent on political cycles, so as to ensure the consistency and sustainability of the open government agenda.

Also, it could be useful to bring these open government officers together regularly to discuss the challenges they faced, the solutions that were implemented to overcome them, share good practices and explore synergies. One measure to achieve this is through the creation of an open government committee that would centralise the co-ordination of open government while maintaining the decentralised system of implementation established in the OGAP. This mechanism could provide the formal structure needed to institutionalise open government for the current implementation of the OGAP and more importantly, facilitate the longer-term consolidation of the open government strategy and its initiatives, and ensure effective and efficient implementation.

Box 3.1. Canada's Departmental Open Government Co-ordinators and Costa Rica's open government contact points

Canada

In Canada, every department has identified an Open Government coordinator. They are the Treasury Board Secretariat's (the main co-ordinating entity) entry point into the department for anything related to open government. Open Government coordinators:

- facilitate open government activities throughout their organizations;
- help content owners in their organization with the process for releasing data (e.g. identification, preparation, approval mechanisms, and entry into the Open Data Registry);
- provide recommendations to the senior official responsible for approving the data release;
- provide assistance to clients in their organization requesting information on open.canada.ca;
- provide training in their organization, where possible, and
- participate in open government working groups, led by the Treasury Board Secretariat.

The OG coordinators are typically director level and below. There are monthly working group meetings that are co-ordinated by the Treasury Board Secretariat. The government is also planning to create a 'coordinators corner' where co-ordinators can interact easier if they wish. Moreover, the government of Canada plans to formally define the role of the coordinators in an upcoming update of the Directive on Open Government.

Costa Rica

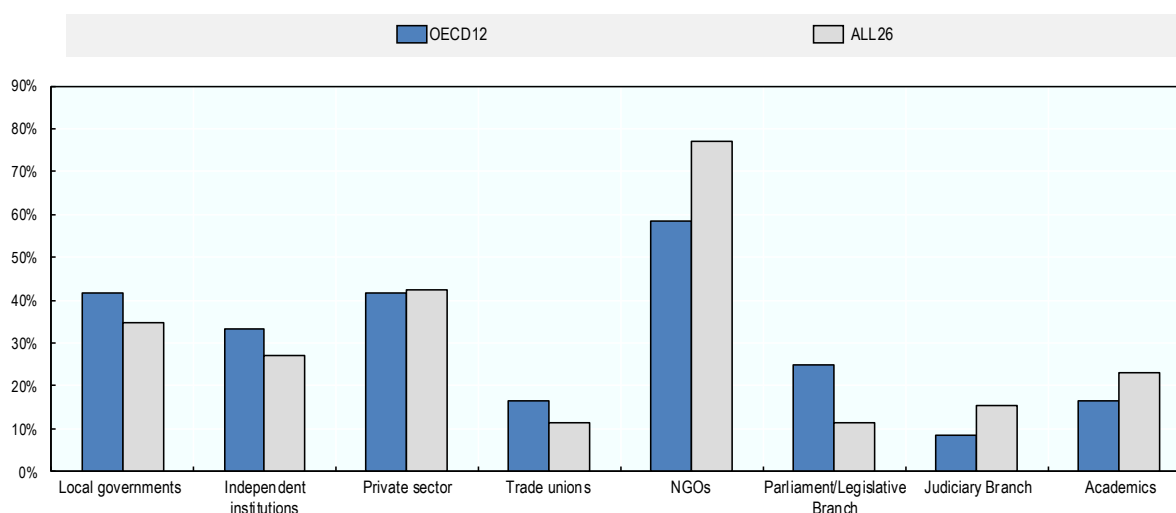
The *enlaces institucionales* (i.e. open government contact points), established for the design and implementation of the Second Open Government Partnership (OGP) Action Plan, are an important first step to ensure inter-institutional co-ordination. An initiative taken by the centre of government in Costa Rica, the *enlaces* comprise the contact points of: the Deputy Ministry of the Presidency, which is the main office responsible for open government initiatives in the country; the different central government ministries; decentralised institutions; some municipalities; the Ombudsman; the judiciary, etc.

The government aims to create at least one *enlace* in each institution that is involved in the implementation of its open government agenda. The *enlaces* have met regularly over the past months and have received capacity-building co-operation from the OGP Support Unit. While the *enlaces* do not formally report to the Deputy Ministry of the Presidency, they volunteer to collaborate with it and have the potential to provide the CoG with an effective co-ordination tool, both horizontally and vertically.

Source: OECD (2016^[8]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

Furthermore, it is essential to involve a wide range of actors to ensure the success of a comprehensive open government strategy. According to the OECD Report on Open government (OECD, 2016^[8]), 49% of countries (34% of OECD countries) created an ad hoc mechanism for co-ordination purposes, such as an open government committee (as mentioned above). Such a mechanism is typically composed of different stakeholders involved in implementing the open government agenda. As shown in Figure 3.6, the members of this mechanism can include non-governmental organisations (NGOs) (as in 58% of OECD countries), local governments (as in 42% of OECD countries), the private sector (as in 42% of OECD countries), independent institutions (33% of OECD countries), academics (17% of OECD countries), trade unions (17% of OECD countries), and the judiciary branch (8% of OECD countries).

Figure 3.6. Composition of co-ordination mechanisms on open government



Source: OECD (2016^[8]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

As discussed in Chapter 2, the stakeholders involved in the OGAP, namely citizens, academics, civil society, the private sector and civil servants, only participated in the creation of the Action Plan and the progress report. Biscay could create an open government committee composed of all institutional actors involved in - not only those responsible for - each of the commitments (see Table 3.1). The committee could include other key actors such as the judicial and the legislative branches, the *Ararteko* (the Basque Country's Ombudsman), municipalities as well as EUDEL (the Basque Local Governments Association), so as to achieve the open territory approach that the Province aims for. Further, such a committee could contribute to the sustainability of Biscay's open government agenda beyond the OGAP. The Open Government Forums in Spain and in Italy (Box 3.2) are examples of open government co-ordination mechanisms steered by the CoG that bring together all relevant stakeholders.

Box 3.2. Open Government Forums: The cases of Italy and Spain

Italy

Italy has established an Open Government Forum in which 20 public administrations and 54 CSOs meet regularly. The Forum, co-ordinated by Department of Public Administration of the Presidency of Council of Ministers, is open to any new organisation or administration, both central and local, that wants to participate in the development of Italy's open government policies or intends to join the Open Government Partnership (OGP). The aim of the Forum on Open Government is to commit CSOs and public administrations to long-lasting collaboration and to co-designing the development and co-ordination of the implementation of the actions provided in Italy's OGP National Action Plan (NAP).

The Minister of Public Administration meets the Forum on a regular basis every six months. The Forum has clustered the thematic areas of open government into six groups: "transparency", "open data", "participation", "accountability", "digital citizenship" and "innovation and digital skills" and the Department of Public administration has established six working groups, inviting each OGP Forum participant to join them.

In this way, the Department has created a direct channel through which public administrations and civil society organisations can have regular meetings (every two to three months) and can communicate regularly on line. The aim is to give the officials responsible for the open government commitments (i.e. the NAP actions) the possibility to consult the CSOs about specific questions and to receive their feedback. Additionally, the CSOs can monitor the proper implementation of the commitments and provide input and ideas on how to develop new open government initiatives.

Spain

Spain established an Open Government Forum in February 2018 with the objective of institutionalizing the collaboration between public administrations and civil society to strengthen the permanent dialogue on transparency, collaboration, participation and accountability.

The Plenary of the Forum meets once or twice a year. More than 70 representatives of the Plenary include public administrations from the General Administration of the State, the Autonomous Communities and Cities and the Spanish Federation of Municipalities and Provinces, as well as representatives of civil society from the Royal Academy of Political and Moral Sciences, university professors and lecturers, civil society organisations (CSOs) and non-profit organisations (NGOs), the Council of Consumers and Users, as well as third sector entities.

The Forum also has a Permanent Commission whose role is to present proposals to the Plenary, to coordinate the work commissioned by the Plenary and act as the executive organ of the Forum. Finally, the Forum has three working groups where particular topics are discussed, including: 1) collaboration and participation; 2) transparency and accountability; and 3) training and awareness. The Plenary and the working groups allow for external participation and exchanges between different stakeholders.

Sources: Italy Open Government (n.d.^[12]), "Open Government Forum", <http://open.gov.it/open-governmentpartnership/open-government-forum>; Transparency Portal of Spain (n.d.^[13]) "Open Government Forum", http://transparencia.gob.es/transparencia/transparencia_Home/index/Gobierno-abierto/ForoGA.html

If Biscay establishes such a co-ordination mechanism to ensure the successful implementation of its open government initiatives, the following conditions must be met:

- The committee should be attached to a CoG institution (e.g. *Behatokia*), have the right mandate and clear guidelines for its functioning (e.g. rotating chair).
- Sufficient human and financial resources should be foreseen and provided to ensure its functioning.
- All relevant stakeholders should be included.
- Transparent procedures, as well as reporting and evaluation mechanisms, should be established to ensure accountability on results (OECD, 2016^[14]).

Increasing open government literacy among Biscay's public officials

To ensure successful implementation, the availability of the necessary human and financial resources is essential. Insufficient resources are among the most frequently cited challenges for the institution responsible for the horizontal co-ordination of open government strategies and initiatives (see Figure 3.5).

To address this, Provision 3 of the OECD Recommendation states that governments should “ensure the successful operationalisation and take-up of open government strategies and initiatives by: 1) providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate human, financial, and technical resources, while promoting a supportive organisational culture; and 2) promoting open government literacy in the administration, at all levels of government, and among stakeholders” (OECD, 2017^[1]).

Historically, the civil service in most countries was not established with open government principles (i.e. transparency, integrity, accountability and stakeholder participation) in mind. It was designed as a closed system that followed a hierarchical structure, predefined rules and procedures, and where information and accountability flowed vertically, limiting flexibility, innovation and openness. Moreover, in order to protect civil servants from undue influence, there was a clear separation between government on the one side, and citizens, academia and business, on the other (OECD, 2016^[8]). However, today's widespread use of digital technologies, improved Internet access, the increasing presence of politicians and public institutions on social media, and the diffusion of the principles and practices of transparency, integrity and stakeholder participation have reshaped the governance of legal, institutional and policy frameworks as we have known them so far (OECD, 2016^[8]). As a direct effect, the relationships between governments and citizens have changed: citizens around the world have become more demanding and more active, shifting from a traditional representative democracy towards a more direct engagement with their representatives, policy makers and public institutions (OECD, 2016^[8]).

This new way of policy making calls for a new set of values and capacities as well as a cultural change throughout the public administration. Biscay is fully aware of this and as described in Chapter 2, sees its open government agenda as a process and a means to accomplish a better, closer, more modern and responsible way to manage its public administration. This new approach will lead to the more efficient use of public resources, strengthened public institutions and restored public trust in the public sector (Provincial Council of Biscay, 2017^[6]).

As in many OECD countries, human resources is one of the main challenges in the implementation of the open government strategy and its initiatives identified by Biscay, particularly with regard to the change in its internal culture. The lack of or insufficient communication of the benefits of open government reforms among public officials (as in 22 OECD countries), general resistance to change in the public sector (as in 19 OECD countries) and the lack of or insufficient human resources are the main challenges faced by OECD countries working to implement the open government strategy and initiatives (OECD, 2016_[8]).

The 2018 OGAP's intermediate self-evaluation report identified the need to develop the capacity of its staff in charge of implementing open government initiatives as one of the priority areas for internal improvement (Provincial Council of Biscay, 2018_[11]). Ensuring open government literacy in Biscay - understood as the combination of awareness, knowledge, and skills that public officials and stakeholders require to engage successfully in open government strategies and initiatives - is essential to mainstream the open government principles and achieve the desired cultural change. Open government literacy could be increased through including principles and skills on competency frameworks, codes of conduct and job profiles, providing training and improving internal communication.

Including open-government-related principles and skills in competency frameworks, codes of conduct and job profiles

The OECD report, *Open Government: The Global Context and the Way Forward*, states that for a government to “move from passive awareness to affect a culture change and principles, skills and values of openness need to be identified, discussed and reinforced at every possible opportunity” (OECD, 2016_[8]). This means that said skills and values should be included, not only in vision documents and high-level strategic government priorities but also in public sector value statements and civil servant competency frameworks.

According to the above-mentioned OECD report, one-third of OECD countries develop the capacities of civil servants through the inclusion of open government principles in codes of conduct or codes of ethics (OECD, 2016_[8]). These documents set out in broad terms those values and principles that define the professional role of the civil service (integrity, transparency, etc.), or they can focus on the application of such principles in practice. Ideally, codes combine aspirational values and more detailed standards on how to put them into practice².

Biscay has an Ethical Code that sets aspirational values and commitments, including principles related to open government (e.g. accountability and transparency); it is signed by high-ranking officials (Provincial Council of Biscay, 2015_[15]). In addition, the General Directorate of the Legal Regime and Civil Service has developed sectoral codes of conduct, such as on IT (information technology), for new public officials and on recruitment processes, and is now working on the elaboration of others such as phone use and travelling. While the Basque Law of Civil Service applies to all civil servants of the Provinces of the Basque Country, the Provincial Law on Conflict of Interests and Incompatibilities only covers appointed senior civil servants in Biscay. Recognizing the different legislations applying to public officials and building on existing initiatives, Biscay could develop a code of conduct or charter on open government for all public officials, which would include transparency, integrity, accountability and stakeholder participation as principles, as well as clear guidelines on how to put them into practice in their day-to-day work. Biscay could go a step further and develop this code of conduct or charter in co-operation with public

officials. This could facilitate the understanding of open government and create the buy-in for the strategy and its initiatives, facilitating long-term adherence and ensuring the anchoring of open government strategies and initiatives beyond a single administration. Biscay could use the code of conduct elaborated by EUDEL, which includes the principles of open government for elected officials, as an example (see Box 3.3).

Box 3.3. EUDEL's "Code of Conduct, Good Governance and Commitment for Institutional Quality of Municipalities in the Basque Country"

EUDEL is the Basque Local Governments Association, founded in 1982. It represents all 251 municipalities of the three Basque provinces. In 2013, it created a "Code of Conduct, Good Governance and Commitment for Institutional Quality for Municipalities in the Basque Country". This document provides a list of principles and standards of conduct for elected officials as well as the commitments and responsibilities that they should respect in order to ensure institutional quality in the municipalities.

Among the listed principles, the Code includes transparency, integrity and accountability. Likewise, one of the commitments and responsibilities for civil servants is to "articulate networks and foster open government", describing the need for transparency and citizen participation mechanisms to improve governance in local municipalities.

This code was created in order to improve public governance in municipalities. The text is a draft and is meant for municipalities to adhere to or adapt to their own contexts.

Source: EUDEL (2013^[16]), *Código de Conducta, Buen Gobierno y Compromiso por la Calidad Institucional de la Política Local Vasca*, http://www.eudel.eus/destacados/codigodeconducta/files/2013/05/Codigo_Conducta.pdf.

As mentioned above, Biscay's appointed senior public officials (the president, heads of the provincial departments and general directors) are covered by the Provincial Law of Conflict of Interests and Incompatibilities enacted on October of 2018. This law sets for the first time provisions to manage potential conflicts of interest and updates the regulations on incompatibilities, as the previous applicable law was from 1987. The law includes several guiding principles of ethics and good governance, including one on open government. It guides the behaviour of senior civil servants to "adopt, execute, decide and evaluate their policies within an open government framework to provide citizens with the information of all their public activities" (Provincial Council of Biscay, 2018^[17]). The law also establishes clear norms to prevent and identify conflict of interests as well as the regime for incompatibilities. To ensure the adoption of the principles and the implementation of the law, it provides for the elaboration of guidelines. This type of initiative is in line with the 2017 OECD Recommendation of the Council on Public Integrity (see Box 3.4).

Box 3.4. OECD Recommendation of the Council on Public Integrity

The OECD Recommendation of the Council on Public Integrity, adopted in 2017, provides policy makers with the blueprint for a public integrity strategy. It shifts the focus from ad hoc integrity policies to a comprehensive, risk-based approach with an emphasis on cultivating a culture of integrity across the whole of society. It is built on three pillars:

- **System:** Having a system in place to reduce opportunities for corrupt behaviour.
- **Culture:** Changing a culture to make corruption unacceptable socially.
- **Accountability:** Making people accountable for their actions.

The Recommendation defines public integrity as the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector. The text recommends that OECD members and non-members build a coherent and comprehensive public-integrity system. To this end, adherents should:

1. Demonstrate commitment at the highest political and management levels within the public sector to enhance public integrity and reduce corruption.
2. Clarify institutional responsibilities across the public sector to strengthen the effectiveness of the public integrity system.
3. Develop a strategic approach for the public sector that is based on evidence and aimed at mitigating public integrity risks.
4. Set high standards of conduct for public officials.
5. Promote a whole-of-society culture of public integrity, partnering with the private sector, civil society and individuals.
6. Invest in integrity leadership to demonstrate a public sector organisation's commitment to integrity.
7. Promote a merit-based, professional, public sector dedicated to public-service values and good governance.
8. Provide sufficient information, training, guidance and timely advice for public officials to apply public integrity standards in the workplace.
9. Support an open organisational culture within the public sector responsive to integrity concerns.
10. Apply an internal control and risk management framework to safeguard integrity in public sector organisations.
11. Ensure that enforcement mechanisms provide appropriate responses to all suspected violations of public integrity standards by public officials and all others involved in the violations.
12. Reinforce the role of external oversight and control within the public integrity system.
13. Encourage transparency and stakeholders' engagement at all stages of the political process and policy cycle to promote accountability and the public interest.

Source: OECD (2017^[18]), *OECD Recommendation of the Council on Public Integrity*, OECD, Paris, <http://www.oecd.org/gov/ethics/OECD-Recommendation-Public-Integrity.pdf>.

The 2017 OECD report, *Skills for a High Performing Civil Service*, developed a framework for the skills needed by today's civil servants and included service delivery and citizen engagement as one of its four pillars (OECD, 2017_[19]). In addition, the OECD Recommendation on Public Service Leadership and Capability urges governments to invest in public service capabilities by identifying the skills and competencies needed to transform the political vision into services (OECD, 2019_[20]) (see Box 3.5).

Box 3.5. Recommendation of the Council on Public Service Leadership and Capability

The OECD Working Party on Public Employment and Management (PEM) has been working on Principles on Public Service Leadership and Capability, as public servants contribute to policy development, invest public funds in essential services collectively needed by communities, uphold the rule of law, and ensure fairness and equality in society. Public servants also deliver many goods and services, at times during critical events or crises, or when markets fail to do so.

The 14 principles are fit-for-purpose public service principles that fall under three main themes:

- a **values-driven public service** where commonly understood values guide a results-oriented and citizen-centred culture of leadership and policy and services design
- a **trusted and capable public service** with the ability to identify the skills and competencies it needs, and which aligns its employment systems to bring those skills and competencies in, develops them, motivates and provides the necessary resources for their use
- a **responsive and adaptive public service** with the empowerment, resources and agility needed to effectively and efficiently address fast-changing, ongoing and emerging challenges.

Governments should **build values-driven cultures and leadership in the public service, centred on improving outcomes for society**, by:

1. defining the values of the public service and promoting values-based decision making
2. building leadership capability in the public service
3. ensuring an inclusive and safe public service that reflects the diversity of the society it represents
4. building a proactive and innovative public service that takes a long-term perspective in the design and implementation of policy and services.

Governments should **invest in public service capability in order to develop an effective and trusted public service**, in particular by:

5. continuously identifying skills and competencies needed to transform political vision into services that deliver value to society
6. attracting and retaining employees with the skills and competencies required

7. recruiting, selecting and promoting candidates through transparent, open and merit-based processes
8. developing the necessary skills and competencies by creating a learning culture and environment in the public service
9. Assessing, rewarding and recognising performance, talent and initiative.

Governments should **develop public employment systems that foster a responsive and adaptive public service** able to address ongoing and emerging challenges and changing circumstances by:

10. clarifying institutional responsibilities for people management to strengthen the effectiveness of the public employment system
11. developing a long-term, strategic and systematic approach to people management based on evidence and inclusive planning
12. setting the necessary conditions for internal and external workforce mobility and adaptability to match skills with demand
13. determining and offering transparent employment terms and conditions (e.g. compensation, term length, job security, rights and obligations) that appropriately match the functions of the position
14. ensuring that employees have opportunities to contribute to the improvement of public service delivery and are engaged as partners in public service management issues.

Source: OECD (2019^[20]), *Recommendation of the Council on Public Service Leadership and Capability*, OECD, Paris, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0445>.

Biscay has understood the importance of including transparency-related skills in civil servant competency frameworks. As of June 2017, it has included questions related to general knowledge on the Provincial Law on Transparency in its entrance exam to the public administration, for example. However, all open government principles are included neither in the exam, nor in the competency frameworks. Biscay could go a step further and, for certain positions, include specific skills related to stakeholder participation, such as negotiation skills, mediation skills, and communication skills, among others, to design and implement successful open government strategies and initiatives as well as the capacity to design and implement participation practices. It can follow the example of Finland (Box 3.6), which has acknowledged the significance of sound dialogue skills for civil servants and included commitments to further improving these skills as part of its open government action plan.

Box 3.6. Enhancing dialogue skills for civil servants in Finland

Effective communication is important in strengthening the relationship between governments and citizens. Finland acknowledged the significance of sound dialogue skills for civil servants and included commitments to further improve these skills in its first Open Government Partnership (OGP) Action Plan (2013-14). The following six concrete aims were formulated:

14. Standard language titles and resumes will be drafted for government proposals.
1. Visualisation of decisions with a special focus on expenditures of the state budget will be created.
2. Training will be organised for civil servants on the use of clear language and plain language, including committing to the use of terms already known.
3. The comprehensibility of texts produced by the public administration will be tested together with citizens and service users.
4. The terms and concepts used in public administration and service production will be standardised and clarified.
5. The comprehensibility of customer letters and decisions will be enhanced, especially when using standard texts.

These commitments were taken up again in the second OGP Action Plan, which contains a commitment on “clear administration”, among others. The main objectives that contribute to a more tangible and easy-to-understand bureaucracy are:

- Clear structures and processes in addition to customer orientation are targeted in major reforms.
- Structures and processes are described so that citizens know which authority should be contacted for different issues.
- The official parlance is correct, clear and easy to understand.
- Information on issues under preparation is available and can be easily found.
- Administration receives feedback and takes it into account when developing its ways of working.

Source: Government of Finland (n.d.^[21]), *First Open Government Action Plan, 2013-14*; *Second Open Government Action Plan, 2015-17*, <https://www.opengovpartnership.org/countries/finland>.

Furthermore, evidence has shown that OECD countries are struggling to attract and retain people with a diverse set of skills who can work on transversal issues. One possible solution is to establish an open civil service, which is understood as one that is accessible to all citizens, as Biscay has done (see Box 3.7). Establishing an open civil service implies the promotion of a diverse workforce and an inclusive workplace. As argued in *Open Government: The Global Context and the Way Forward*, an open civil service can contribute to open government when:

- Active efforts are taken to ensure that all citizens have equal opportunities to become civil servants regardless of their personal background, at various phases of their career, from a range of educational and professional paths.
- Career paths are multiple and varied, depending on civil servants' abilities, interests, ambitions and desires. This includes access to development, lateral and vertical career moves, and flexible working opportunities.
- Managers are trained to lead diverse teams and establish inclusive working environments that encourage collaboration, the open sharing of ideas, healthy discussion and debate (OECD, 2016^[8]).

Box 3.7. Hiring people with intellectual disabilities in the Provincial Council of Biscay

The Provincial Council of Biscay is the first Basque administration to reserve posts for a specific public employment vacancy, covering five subordinate staff positions for people with intellectual disabilities. For this reason, the institution has developed a series of specific materials and texts to adapt and to use in the selection process for persons with these characteristics, and has been advised at all times by third-sector organisations that work with this population, for example, the Basque Federation of Entities in Favour of People with Intellectual Disabilities (*Federación Vasca de Entidades en Favor de las Personas con Discapacidad Intelectual*, FEVAS), Apnabi, Gaude, Lantegi Batuak, the Down Syndrome Foundation of the Basque Country (*Fundación Síndrome de Down del País Vasco*), among others.

Thus, the materials for calls, forms, instances, instructions and the syllabus (with ten topics - eight theoretical and two practical) have been adapted for maximum comprehension, both in Basque and in Spanish, to the so-called reading system, Easy: a format for presenting information designed especially for people with reading comprehension difficulties and people with disabilities, who need access to reading, audio-visual and multimedia materials that they can read and understand properly.

To take part in the process, no qualification is required of applicants, but it is essential to have an intellectual disability and a recognised degree of disability equal to or greater than 33%.

Source: Provincial Council of Biscay (2018^[22]), *Diputación integra en su estructura a las personas con discapacidad intelectual con un proceso de selección "ad hoc" e innovador* (*The Provincial Council integrates to its structure the people with intellectual disabilities in an "ad hoc" and innovative process*), <http://web.bizkaia.eus/es/web/area-de-prensa/noticias/-/news/detailView/18746>

Training is key to raising awareness and strengthening skills

Focusing on including skills in competency frameworks and entry exams is key, but continuous training for new and existing public servants is as important to reinforce existing capabilities and develop new skills. Training on open government needs to be widespread and integrated into the public servant core curricula and should be updated regularly to reflect the latest changes.

As mentioned in Chapter 2, one of the aims of Biscay's open government agenda is to spur a culture change in the public sector. However, the OGAP does not include any direct commitment or milestone related to training or capacity building for the public service in

open government as a whole. There is an explicit mention of training in relation to citizen participation and an indirect mention in terms of transparency. Concerning citizen participation, the OGAP includes training courses in citizen participation at both internal and external levels. However, the May 2018 self-evaluation report of the OGAP recognised that this has not yet been done (Provincial Council of Biscay, 2018^[11]). In terms of transparency, the OGAP indirectly contains training and capacity building of civil servants through the creation and implementation of the Transparency Plan for the Province (Commitment 1). The Transparency Plan itself has included the development of a new module on transparency in the Training Career Plan of 2018 (*Plan de Formación Anual*).

Although training in transparency and citizen participation are essential and constitute good practice, not including them under an open government umbrella reinforces the fragmented approach of the open government agenda in Biscay, as mentioned above. Therefore, Biscay could develop a training module for all public officials on the principles and the definition of open government as well as on the main tenants and benefits of the open government strategy. This training could be formally included in the Training Career Plan. More detailed and in-depth training on different aspects of open government could complement this comprehensive training, including the courses already included in the Training Career Plan related to new technologies and digital competencies. See Box 3.8 for an example of an open government support package for civil servants in Finland.

Box 3.8. An open government support package for civil servants in Finland

Finland recognises the importance of providing training on open government to civil servants. Their third Open Government Partnership (OGP) Action Plan (2017-19) included two commitments to train regional civil servants on open government.

In order to do so, Finland created an “Open Government Support Package” for civil servants. The package includes clear and summarised information on the principles of open government as well as tools to promote open government at the regional level.

Within the framework of their regional reform, Finland also created a support site with all the main laws concerning stakeholder participation and transparency in the regions. Further, training sessions and specialised manuals were created in order to ensure the implementation of the laws.

Source: Ministry of Finance, Government of Finland (2017^[23]), *Open Government III Action Plan*, <https://vm.fi/documents/10623/4505456/Open+Government+III+Action+Plan+2017%E2%80%932019+Finland.pdf/21c926e6-b86b-435f-8d76-d4e9871ef45e/Open+Government+III+Action+Plan+2017%E2%80%932019+Finland.pdf.pdf>.

Furthermore, when developing the next open government strategy, Biscay could include a commitment that refers directly to training on several aspects of open government, as Ontario has done (Box 3.9).

Box 3.9. Training as a commitment in OGP action plans: The case of Ontario, Canada

Ontario is working hard to ingrain open government principles in the development of its programmes and policies across the Ontario public sector, which requires a change of culture. Its strategy includes a comprehensive educational initiative to increase the organisational capacity, knowledge and skill sets required to make Ontario's government more open.

As open government increases in prominence, it changes the way that public sector employees engage with their responsibilities and embed the principles of accountability, transparency and public participation that are inherent in a government that is open by default. In this sense, Ontario has focused its training on developing competencies in key areas of open government, such as public engagement, data literacy and information and change management.

To go even further, Ontario's Commitment 3 of its Open Government Partnership (OGP) focuses on "further embedding open government principles in the day-to-day work of the Ontario public service through the development of a new guide and training" in order to increase open government literacy in the Ontario public service, so as to ensure a consistent experience for Ontarians when they interact with government. The commitment is composed of the following milestones.

Milestone 1: Develop a (draft) guide with input from government ministries and agencies

Training tools, such as an open government guide, are key components to the learning framework and will lay the foundation for building open government capacity across the Ontario Public Service. The Open Government Guide will be a centralised collection of new and existing guidebooks and toolkits for open dialogue (public engagement), open information, and open data. The guide will evolve with input from users and as new information and resources become available.

Milestone 2: Establish a community of practice

A community of practice allows open government representatives across ministries to discuss the successes, challenges and opportunities in open dialogue, open information and open data. Their experiences from using the guides and tools will be shared within this community (and with others) and will lead to updates and clarifications in materials and cross-ministerial support.

Milestone 3: Undertake two ministry pilots

Engaging two different ministries to pilot the training guide and programme will serve as a testing ground for the clarity and salience of the open government training. Through the community of practice, ministry champions will be engaged in the training and equipped to deliver training within their ministry. Learnings from the pilot will be crucial to finalising the training and assessing its impact.

Milestone 4: Training the trainers

Through the pilot initiative and community of practice network, training of ministry staff across the Ontario Public Service will expand the capacity of the open government office to support the culture change and capacity building required.

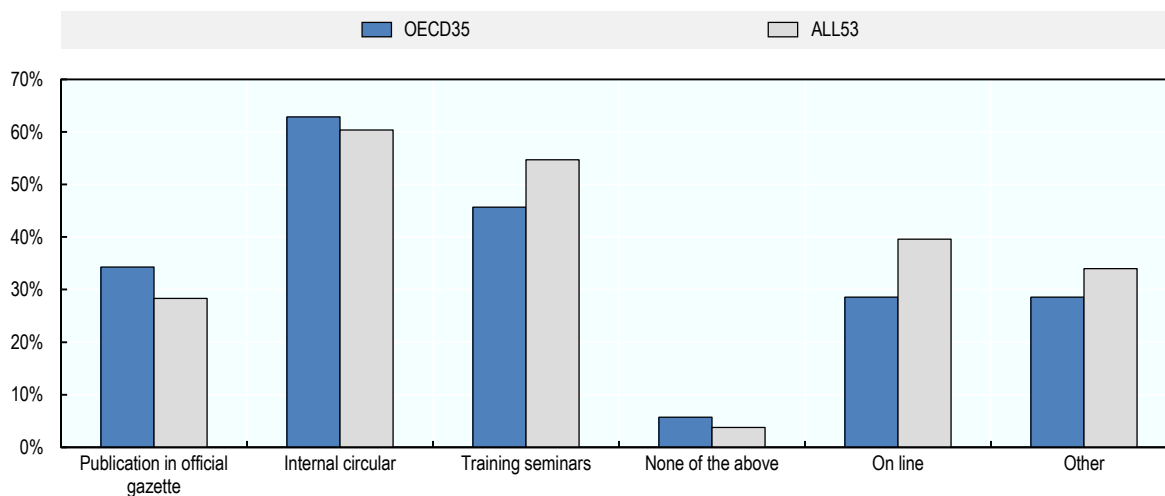
Source: Government of Ontario (n.d.^[24]), *Open Government Partnership: Appendix: Commitment implementation status*, 2018, <https://www.ontario.ca/page/open-government-partnership-progress-update#section-7>.

Internal communication as a means to raise awareness and understanding of open government reforms

A key element supporting the implementation of the open government agenda is effective communication within the public administration about the open government strategy and its initiatives, and the open government agenda as a whole. This contributes to securing a political commitment for reforms, having the same understanding about them and the intended goals to be achieved, and generating buy-in and ownership from all civil servants. A lack, or weakness, of such communication is often one of the main reasons why open government reforms do not reach their full potential. According to OECD data, 22 OECD countries identified the “lack of, or insufficient, communication and awareness of the benefits of open government reforms amongst public officials” as a key challenge to implementing open government reforms (OECD, 2016^[8]). It is therefore critical not only to inform civil servants about the existence of open government initiatives but also to engage with them in continual dialogue and include their inputs in the design, implementation and evaluation of the strategy and its initiatives. This is why, Provision 6 of the OECD Recommendation states that governments should “actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well known within and outside government, to favour their uptake, as well as to stimulate stakeholder buy-in” (OECD, 2017^[1]).

According to the OECD report, *Open Government: The Global Context and the Way Forward*, most countries use internal circulars (63% of OECD countries, 60% of all respondent countries) and training seminars (46% of OECD countries, 55% of respondent countries) to communicate about open government initiatives. Other countries communicate through publications in official gazettes (34% of OECD countries, 28% of respondent countries) or on line (29% of OECD countries, 40% of respondent countries) (see Figure 3.7).

Figure 3.7. Communication mechanisms used to inform public servants of the existence of open government initiatives



Note: “Other” includes, for example, regional and global events (Mexico), public announcements and collective bilateral meetings (France) or letters and meetings (Norway).

Source: OECD (2016^[8]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

However, most of these mechanisms focus on one-way communication channels, as is the case for Biscay. Besides publishing the OGAP on its online portal, and the fact that the directors of the departments with a direct or indirect commitment in the OGAP worked together during the elaboration and follow-up phases,³ Biscay does not have a comprehensive internal communication campaign on open government for all civil servants. Currently, dissemination of information related to open government is fragmented by sectors and particularly focused on transparency. For instance:

- A dedicated section on transparency was created in the “*Atarileku*”, the online portal (Intranet) for civil servants, which provides key information related to transparency concepts (e.g. proactive disclosure), the Provincial Law on Access to Information, and the Transparency Plan 2017-2019.
- A technical seminar (*Jornadas*) on transparency and access to information was given.

Further efforts are needed to co-ordinate messages on open government initiatives, both horizontally and vertically, and to raise awareness and understanding among civil servants of the open government strategy and initiatives, which is crucial to maximising their uptake. Given this, Biscay could build on the efforts already made on transparency and expand the content available in seminars and on the *Atarileku*, the online portal (Intranet) for public officials, to include information on the open government agenda as a whole. For example, information on the benefits of open government, its principles and the initiatives that Biscay has taken could be included. To draw greater attention from public officials, Biscay could also move away from only publishing on line (which requires an action from the public officials) and develop circulars and posters on the open government agenda on a more regular basis, a forum for public officials and pop-ups on the Intranet.

Furthermore, the office in charge of the open government agenda could convene the open government officers of each department -as mentioned above- in a network to strengthen their involvement in communication about open government initiatives and share good practices as well as lessons learned (see Box 3.1 on Costa Rica’s open government contact points). It would also be important to invite the communication officers of the Provincial Council as well as other involved actors such as municipalities, EUDEL, and the BiscayTIK Foundation (hereafter “BiscayTIK”), to disseminate the same general messages throughout the Province about open government and the efforts carried out as a way to share good practice (see Box 3.10 for examples from Italy and Estonia).

Box 3.10. Examples of public communication networks facilitating co-ordination

Italy’s #PASocial

In Italy, public communicators have been organising events since 2015 to exchange good practices and lessons learned around public communication and to facilitate co-ordination. This approach has since evolved towards the establishment of a public association (#PASocial), currently comprising 300 people. The association works for the promotion of good practices, exchange between peers and training in the field of public communication.

Estonia’s Communication Co-ordination Council

To exchange information and organise communication activities, the inter-ministerial Government Communication Co-ordination Council meets every week in Stenbock House.

The council is responsible for discussing government communication topics, making proposals for instructions governing the organisation of the work in the field, providing consultation to the Government Office in amending and establishing legal acts pertaining to government communication and discussing and adopting positions on key matters pertaining to government communication. The working meetings of the council are chaired by the Director of Government Communication and include heads of communications units at the ministries. The Chancellor of Justice's public relations advisor and the head of the State Audit Office's communication service are also included in the work of the Government Communication Co-ordination Council.

Sources: Government Office of Estonia (2017^[25]), *Government Communication Handbook*, https://www.valitsus.ee/sites/default/files/content-editors/failid/government_communication_handbook_eng_13.09.2017.pdf PAsocial (n.d.^[26]), *Statuto (Statutes)*, <https://www.pasocial.info/statuto/> Peer Exchange at Peer Review Mission in Tunis in November 2017.

Secure funding of open government strategies and initiatives is essential to guarantee their long term impact

National and local governments need adequate financial resources to ensure the successful operationalisation of open government strategies and initiatives. As argued in the OECD report (OECD, 2016^[8]), “while the legal, policy and institutional framework must be in place to establish and secure transparency and citizen participation, the passing of these frameworks alone will fail to increase openness if governments do not provide sufficient funding for their implementation.”

Data show that most OECD countries report a lack of financial resources as one of the main challenges for co-ordinating (43% of OECD countries, 45% of all respondents) and implementing (49% of OECD countries, 57% of all respondents) open government strategies and initiatives.

The sources for funding may vary in each government: they can come from a single central body, from the body responsible for the implementation or from external stakeholders (including the private sector). While further research is needed to determine if central funding or project funding is more efficient in supporting the open government strategy and initiatives, funding by more than one source could help raise adherence and engagement, as well as lighten the burden.

In the case of Biscay, while the OGAP does not have a centralised budget, both General Directorates at the Cabinet and *Behatokia* do have specific funding for certain initiatives, particularly for those that overlap with *Bizkaia Goazen 2030*, such as the elaboration and implementation of the Provincial Law for Transparency and the design of a citizen participation model. This means that the budget for the initiatives in the OGAP comes from each department in charge of its implementation. This is not an issue for both General Directorates at the Cabinet, nor for *Behatokia*, whose mandates are strongly aligned with the initiatives. However, it might become problematic for other Departments, as they might perceive their commitments as a time, human and financial burden. In order to address this, Biscay could consider elaborating a dedicated financial plan when it develops the next open government strategy, especially if it includes initiatives that go beyond the OGAP as those included in *Goazen 2030*. Both the strategy and the financial plan could be co-created with

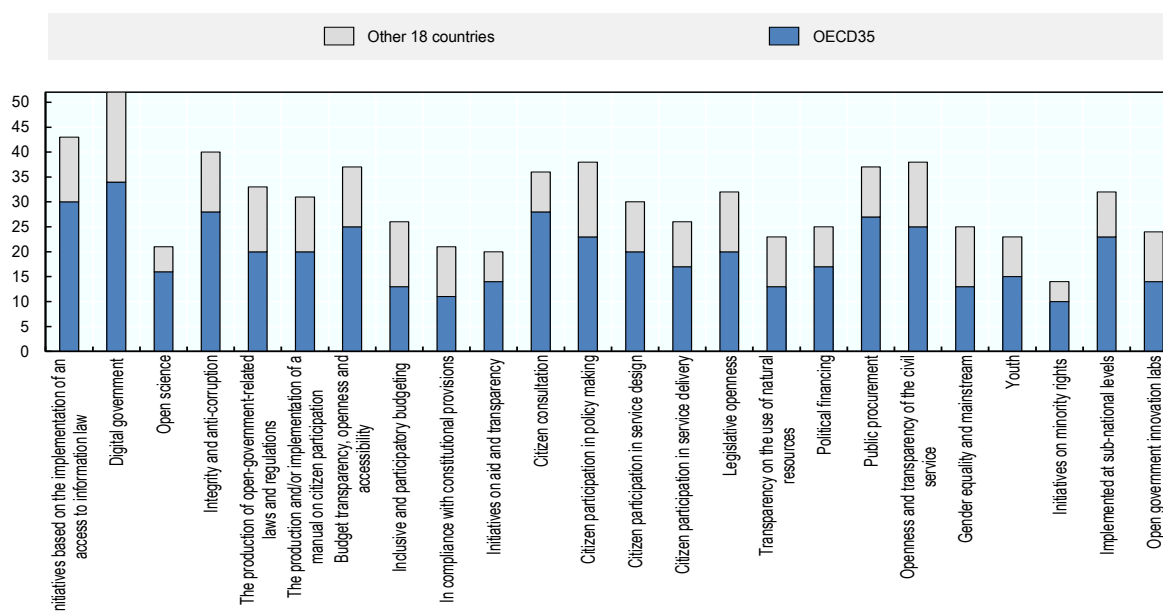
the departments that will be involved in the strategy in order to define the amounts, resources and specific responsibilities for the initiatives that will be included.

Biscay's initiatives on digital government and open data contribute to the open government agenda

Digital technologies are rapidly transforming how governments, citizens and businesses interact, communicate and collaborate. This has facilitated on the one hand, real-time and two-way communication between governments and stakeholders, allowing for more access to government data in a more user-friendly way and to citizen-driven public services. On the other hand, it has facilitated the modernisation of public administrations, which has led to greater efficiency and effectiveness.

Amid these transformations in the digital era, governments are evolving from electronic government (e-government) initiatives to more comprehensive and ambitious digital government strategies. The OECD defines *e-government* as the use by governments of ICTs, and particularly the Internet, as a tool to achieve better government. *Digital government* refers to the use of digital technologies, as an integrated part of governments' modernisation strategies, to create public value. It relies on a digital government ecosystem comprised of government actors, non-governmental organisations, businesses, citizens' associations and individuals, which supports the production of and access to data, services and content through interactions with the government (OECD, 2014^[27]). In fact, in many countries and regions, a digital government and open data agenda have driven the open government agenda (see Figure 3.8).

Figure 3.8. Initiatives on open government currently being implemented or have already been implemented



Source: OECD (2016^[8]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

The OECD Council adopted a Recommendation on Digital Government Strategies in 2014 as more and more national and local governments developed digital government strategies. The Recommendation aims to help governments implement these strategies and bring them closer to citizens and businesses (see Box 3.11).

Box 3.11. OECD Recommendation on Digital Government Strategies

The OECD Recommendation on Digital Government Strategies, adopted in 2014, aims to support the development and implementation of digital government strategies that bring governments closer to citizens and businesses. It recognises that today's technology is not only a strategic driver for improving public sector efficiency but can also support policy effectiveness and create more open, transparent, innovative, participatory and trustworthy governments. It recommends that governments develop and implement digital government strategies that:

- ensure greater transparency, openness and inclusiveness of government processes and operations
- encourage engagement and participation of public, private and civil society stakeholders in policy making and public service design and delivery
- create a data-driven culture in the public sector
- reflect a risk management approach to addressing digital security and privacy issues, and include the adoption of effective and appropriate security measures
- secure leadership and political commitment to the strategy
- ensure coherent use of digital technologies across policy areas and levels of government
- establish effective organisational and governance frameworks to co-ordinate the implementation of the digital strategy within and across levels of government
- strengthen international co-operation with other governments
- develop clear business cases to sustain the funding and focused implementation of digital technologies projects
- reinforce institutional capacities to manage and monitor projects' implementation
- procure digital technologies based on an assessment of existing assets
- ensure that general and sector-specific legal and regulatory frameworks allow digital opportunities to be seized.

Source: OECD (2014^[27]), *Recommendation of the Council on Digital Government Strategies*, <http://www.oecd.org/gov/digital-government/Recommendation-digital-government-strategies.pdf>.

From an open government perspective, the implementation of digital initiatives can help modernise the public administration and therefore contribute to a government's internal capacity to provide better services. Consequently, several synergies can be found between

digital and open government reforms. ICTs can provide the space and the means for more collaboration between different stakeholders and the public sector. For example, through dedicated online platforms, national and local governments can provide public information while empowering citizens to monitor government activities and results. Further, finding innovative spaces for participation in public initiatives can foster co-developing innovative solutions to public challenges.

In Biscay, the General Directorate of Modernisation has the overarching mandate to modernise the administration by simplifying internal processes and reducing administrative burdens. In order to implement this mandate, it develops the necessary technological tools and innovative solutions through Lantik, a state-owned enterprise created in 1981 dedicated to plan and implement the IT policies defined by the Provincial Council as well as tools and solutions for the provincial bodies. They are then transferred to the municipalities through BiscayTIK. Biscay has integrated several digital initiatives in its open government agenda through specific commitments in the OGAP 2017-19, such as open data, reducing bureaucracy and encouraging the use of ICTs at the local level.

For instance, Commitment 10 of the OGAP, “reduce bureaucracy”, aims to simplify the relationship between citizens and the administration. It aims to do so by reducing internal administration processes, by making online procedures possible and through use of an interoperability agreement. To this end, the General Directorate of Modernisation developed an application to facilitate interoperability within the Departments of the Provincial Council, the municipalities and the Basque Country.⁴ This means that, for certain procedures, public administrations at all levels exchange information and data through an application, instead of citizens making the same request for administrative procedures in each of the administrations. At a later stage, interoperability efforts from all provinces and Autonomous Communities will be integrated by the Spanish State, following the New European Interoperability Framework (EIF) (European Commission, 2017_[28]). Likewise, Modernisation developed through Lantik a dedicated software for certain online procedures such as citizen requests for benefits and subsidies.

Furthermore, open data is a key priority for Biscay, as evidenced by the fact that Biscay included two commitments of the OGAP related to open data: Commitment 2, “launch the open data initiative of Biscay”; and Commitment 3, “open provincial budgets”.

With regard to Commitment 2, Biscay launched the “Open Data Bizkaia” portal in February of 2018, for which Lantik provided the technological platform. The portal has published 16 datasets in a digitalised, standardised and open format with information from all the Departments of the Provincial Council.⁵ The objective of its open data portal is to encourage the creation of services based on public information derived from data analysis and to use it to create value. The recent OECD (2018_[29]) report on Open Government Data found that while former open data policies and practices were more focused on increasing access to public sector information, now governments are moving towards a more collaborative, problem-solving approach. This implies that, through the engagement of several stakeholders, open data can become a means to developing solutions to public sector challenges. In that sense, many governments are using open data “as a platform to favour public value co-creation” (OECD, 2018_[29]).

During the fact-finding mission, it was raised that there was certain resistance by some Departments to it as they did not understand the benefits and perceived it as a burden. It was also mentioned that the internal culture of working in silos resulted in poor co-ordination with regard to inter-departmental data production. Further, the OECD team found that there was a weak ecosystem of open data organisations in Biscay, limiting the

external demand for provincial public data. To remediate this situation, Biscay has met with local open data organisations to better understand their needs and demands.

For instance, an open data commitment was integrated in the Open Government Partnership (OGP) of the Basque Country (Box 3.12). As the three levels of the Basque Country will have to provide data for the integrated portal, this will help promote a data-driven culture inside the Biscay administration. Currently, the Province is working with Basque public institutions to identify the most demanded data sets. Concerning external demand for data, Biscay could continue its efforts to collaborate with local open data organisations and Basque administrations, and organise activities to further develop such demand.

Box 3.12. Open data commitment of the OGP in the Basque Country

Within the framework of the first Open Government Partnership (OGP) Action Plan of the Basque Country, one commitment targets open data. The three levels of government of the Basque Country (the autonomous community, the provinces and the municipalities) identified the main datasets of interest for citizens and included these in the commitment to increase impact further. Basque administrations will be responsible for standardising and “linking” the data, creating new opportunities to use and analyse it.

The provinces and municipalities will benefit from the experience that Open Data Euskadi already has, as it was the first open data portal published in Europe outside of the United Kingdom since 2010. As the competencies within the Basque Country are divided by sector and level of government (for example, the Basque Country is responsible for education and the provinces for taxation), this multi-level, integrated approach to open data will further increase the possible impact of the initiative and of the potential of cross-sector data analysis to find innovative solutions to challenges in the Basque Country.

Source: Basque Country (2018^[30]), *OGP Action Plan for the Basque Country 2018-2020*, http://www.ogp.euskadi.eus/contenidos/documentacion/doc_plan_accion/en_def/adjuntos/cocreacion_plan/plan_ogp_revisado_en.pdf.

With regard to Commitment 3, “open provincial budgets”, Biscay has made significant efforts. The General Directorate of Treasury published all the budget documents for 2017, including an easy-to-read version. Currently, it is working to develop a new, online, interactive tool for the provincial budgets in open format⁶ so citizens will not only have an overview but will also be able to play with the data. When created, this initiative has the potential to increase knowledge on public finances and consequently, facilitate more public participation and democratic engagement. If created, Biscay could implement a targeted strategy to disseminate the initiative, in order to encourage awareness and use of the new tool by all stakeholders.

Finally, Commitment 8 of the OGAP aims to “develop technological tools for the municipalities in Biscay” as a free service, in collaboration with municipalities and while respecting municipal autonomy. In order to address the digital divide between municipalities (82% of the municipalities have fewer than 10 000 inhabitants), Biscay created in 2008, under the General Directorate of Modernisation, the BiscayTIK Foundation. BiscayTIK is a non-profit public institution with the overarching objective of modernising the municipalities of Biscay, and has three main goals:

1. to promote the use of ICTs in the municipalities and bring local authorities closer to citizens using the Internet
2. to work closely with the private sector in Biscay on projects related to ICTs and local governments
3. to bring new technologies to the inhabitants of Biscay

Currently, more than 100 municipalities collaborate with BiscayTIK to various extents, most of them working to create online portals and provide e-services. Every tool that BiscayTIK implements is developed by Lantik. BiscayTIK, thus, plays a crucial role within the Provincial Council, as it has become the conduit and driver for most of the initiatives with the municipalities. More importantly, it helps provide a level playing field for municipalities when helping them adopt new technologies, and thus provide better public services.

BiscayTIK has developed “*Udala Zabaltzen*”, an online open government portal for municipalities. The portal aims to promote transparency, good governance and stakeholders’ participation in municipalities. It works by providing an easy-to-use website, smartphones applications (such as fix my street) and newsletters to municipalities. In order to have the portal, a municipality must sign a collaboration agreement with BiscayTIK. In turn, BiscayTIK makes an analysis of the relevant information that the municipality should publish and helps setting up a transparency portal and/or smartphone applications tailored to their specific needs. *Udala Zabaltzen* was launched in 2014 and at that time, it was more focused on transparency. After the Law of Local Institutions of the Basque Government, also known as “LILE” for its initials in Spanish, was enacted in 2016, the portal also helped municipalities to measure compliance with the Law⁷. Over time, BiscayTIK added new functionalities on stakeholders’ participation and accountability. For example, through “*Kalezaindu*”, a tool inside the portal that allows citizens to signal flaws or shortcomings in public areas to their municipalities, such as fix my street. To date, *Udala Zabaltzen* has more than 78 signed collaboration agreements, from which 44 are transparency portals for municipalities with less than 20,000 inhabitants. This innovative approach helps provide a level playing field for municipalities that do not have the means to develop the technology on their own (BiscayTIK Foundation, 2017_[31]). In the OGAP’s self-evaluation report, Biscay recognised the need to incorporate new tools to encourage citizen participation and increase collaboration with other municipalities that do not yet use the portal (Provincial Council of Biscay, 2018_[11]). In order to do so, BiscayTIK could further increase collaboration with municipalities to tailor new technological tools that target stakeholder participation, in line with the characteristics and needs of the municipalities.

Recommendations and proposals for action

Biscay’s approach to working towards a culture of open government is in line with OECD good practices and has made significant efforts to position the open government agenda within the public administration. Although it has shown strong high-level leadership, commitment and support through the creation of two units (which have carried out most of the initiatives related to open government), further efforts are needed to ensure a successful, long-term implementation of the open government agenda. For this:

In order to build and consolidate robust institutional arrangements for effective and sustainable implementation of the open government agenda, beyond the OGAP, Biscay could consider:

- Designate an office responsible for developing and co-ordinating the strategy and the open government agenda as well as for monitoring its implementation, while maintaining sectoral ownership of the open government initiatives. The office needs to have a clear and well-disseminated mandate and use a more proactive approach to positioning it as the office in charge.
- Ensure that the office in charge of co-ordinating the open government agenda remains at the highest level, at the Centre of Government (COG) across political levels.
- Designate open government officers in each of the departments and bringing them together regularly, as members of a committee, to discuss the challenges they faced and the solutions implemented to overcome them, share good practices and explore synergies.
- Create an open government committee composed of all institutional actors involved – and not just those responsible - in each of the commitments. The committee could also include other key actors, such as representatives from the judicial and legislative branches, the *Ararteko* (the Basque Country's Ombudsman), municipalities as well as EUDEL (the Basque Local Governments Association) to achieve an open territory.

Biscay needs to increase open government literacy in its civil service and embed skills and capabilities into daily responsibilities that promote accountability, transparency and stakeholders' participation by:

- Include open-government-related principles and skills in competency frameworks, codes of conduct and job profiles by:
 - Developing a code of conduct or charter on open government for all public officials, which would include transparency, integrity, accountability and stakeholder participation as principles, as well as clear guidelines on how to put them into practice in their day-to-day work. Biscay could go a step further and develop this code of conduct or charter in co-operation with public officials.
 - Including, for certain positions, specific skills related to stakeholder participation, such as negotiation skills, mediation skills and communication skills, among others, to design and implement successful open government strategies and initiatives as well as the capacity to design and implement participation practices.
- Ensure that training continually raises awareness and strengthens skills by:
 - Developing a training module for all public officials on the principles and the definition of open government as well as on the central tenants and benefits of the open government strategy. This training could be formally included in the Training Career Plan. More detailed and in-depth training on different aspects of open government could complement this comprehensive training.
 - Including a commitment that refers directly to training on several aspects of open government, when developing the next open government strategy.
- Reinforce internal communication to raise internal awareness and understanding of open government reforms by:

- Building on the efforts already made on transparency and expanding the content available in seminars and on the *Atarileku*, the online portal (Intranet) for public officials, to include information on the open government agenda as a whole. For example, information on the benefits of open government, its principles and the initiatives that Biscay has taken could be included. To draw greater attention from public officials, Biscay could also move away from only publishing on line (which requires an action from the public officials) and develop circulars and posters on the open government agenda on a more regular basis, a forum for public officials and pop-ups on the Intranet.
- Convening the open government officers of each department in a network to strengthen their involvement in communication about open government initiatives, and share good practices as well as lessons learned.
- Biscay needs to secure funding for the open government strategy and initiatives by considering elaborating a dedicated financial plan when it develops the next open government strategy. Both the strategy and the financial plan could be co-created with the Departments that will be involved in the strategy in order to define the amounts, resources and specific responsibilities for the initiatives that will be included.

Biscay needs to continue with its efforts on digital government and open data by:

- Continue to collaborate with local open data organisations and Basque administrations, and organising activities to further develop external demand for data.
- Implement a targeted strategy to disseminate the online interactive tool for provincial budgets, in order to encourage awareness and use of the new tool by all stakeholders.
- Further increase collaboration with municipalities, through BiscayTIK, to tailor new technological tools that target stakeholder participation, in line with the characteristics and needs of the municipalities.

Notes

¹ The Province of Biscay is legally referred to as a “historic territory”, a term exclusive to the Basque Country that describes the political and administrative system of its three provinces. In view of facilitating the understanding of the term for readers not familiar with the concept and of shortening the term repeated throughout the Chapters, the Review will refer to the historic territory of Biscay as “Province of Biscay”.

² For a list of ethics codes and codes of conduct in OECD countries, see <http://www.oecd.org/gov/ethics/ethicscodesandcodesofconductinoecdcountries.htm>.

³ The source for this is Biscay’s responses to the questionnaire.

⁴ For more information, see <https://www.ebizkaia.eus/es/interoperabilidad>.

⁵ For more information, see <https://www.opendatabizkaia.eus/es/info/open-data-bizkaia>.

⁶ As per the “Follow-up Action Plan”.

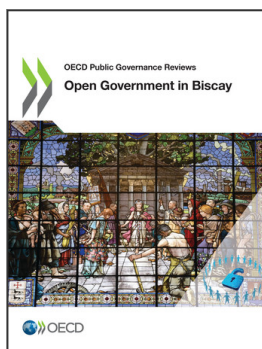
⁷ For more information on the LILE Law, see Chapter 2.

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