

VLÁDA ČESKÉ REPUBLIKY

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Action Plan of the Czech Republic

Open Government Partnership

I. Introduction

The Government of the Czech Republic approved the accession to the Open Government Partnership, an international initiative, in its Resolution no. 691 of 14 September 2011, and it authorised the Deputy Prime Minister, Chairwoman of the Legislative Council of the Government and Chairwoman of the Government Committee for coordinating the fight against corruption, to prepare an Action Plan to achieve open government and to meet the principles of the Open Government Partnership (hereinafter referred to as the “Action Plan”).

The decision by the Government of the Czech Republic to join the Open Government Partnership initiative reflects the Czech Republic’s strong commitment to promote transparent, open and effective state administration. The Action Plan, which has emerged from inter-ministerial cooperation and has been the subject of consultations with the not-for-profit and private sectors, primarily responds to the need to improve access to data, to improve the efficiency of the state administration and to encourage public participation in decision-making processes at a national level.

The drafting of the present Action Plan was coordinated by the Office of the Government of the CR, which actively involved both the central administrative authorities and the not-for-profit sector in the development of its final form. The Office of the Government of the CR was also the main coordinator of the public debate that took place in January 2012. The Action Plan was also presented to the public, and the main objective of this public discussion was to determine priorities for the issues presented and to select the most important areas on which the Action Plan will focus. The Office of the Government of the CR also informed the general public of the preparation of the Action Plan through the national media and via its official website, on which an interactive discussion platform was opened to the public.

The obligations arising from the Action Plan and resulting from this public debate are presented below.

II. Previous efforts to achieve open government

The current coalition government of fiscal responsibility, the rule of law and the fight against corruption has set as one of its priorities the fight against corruption.

A top-quality institutional and legal environment is one of the main conditions for preventing corruption, as is also emphasised in the International Competitiveness Strategy of the Czech Republic for the period from 2012 - 2020.

The central governmental document is the government’s policy statement, which contains a number of measures to increase the transparency of the public administration and to reduce corruption in the Czech Republic. In its fight against corruption, the Government has approved a separate document - the Government Strategy for the Fight against Corruption for the period from 2011 to 2012 (hereinafter referred to as the “Strategy”). The aim of this Strategy is to eliminate conditions that enable the emergence of an environment of corruption in the Czech Republic through the progressive adoption of individual measures, providing a balanced ratio of prevention and repression, and to make the related processes transparent.

The Strategy also sets out priorities, which include the adoption of an Act on Civil Servants, the improvement of the system allowing free access to information, the strengthening of the independence and accountability of the state prosecution service in the exercise of the powers conferred on it and the reinforcement of the restitutive function of criminal proceedings, including the seizure of profits, protection of whistleblowers, etc.

Major advances were made in rendering public administration processes in the Czech Republic more transparent in 2011 through the implementation of one of the Strategy tasks relating to the fairness of public procurement by strengthening the transparency of, and equal access to, public tenders. The goal was also to ensure access to information during the entire public procurement process (including identifying processes where the public can participate in decision-making), from the drafting of the tender to the evaluation of whether the contract has been fulfilled, etc.

The outcome of this work is Act No. 55/2012 Coll., amending Act No. 137/2006 Coll., on public procurement, as amended, which comes into effect on 1 April 2012.

III. Commitments of the Czech Republic

The present commitments of the Czech Republic clearly reflect the priorities set out in the Strategy, where its stated commitments focus on the challenge to improve public integrity, through measures dealing with corruption and access to information. The Government of the Czech Republic fully supports attempts to remove regulatory and technical barriers to access to information and its goal is to enable the general public to share, combine and freely use the available data.

The three main areas, which were included in the Action Plan as a result of the public debate, are:

- the adoption of an Act on Civil Servants, to ensure the depoliticisation, professionalisation and stabilisation of the public administration sector,
- streamlining the system allowing free access to information,
- improving access to data and information.

By meeting these commitments, the Czech Republic will significantly improve the transparency of public administration procedures and will simplify access to the information and data held by the public administration.

III./1. The adoption of an Act on Civil Servants, to ensure the depoliticisation, professionalisation and stabilisation of the public administration sector

The Czech Republic undertakes to adopt the following measures as part of its implementation of these priorities:

- 1) to create a unified labour law based on private law principles;
- 2) to depoliticise the public administration, not institutionally, but by setting maximum possible levels of legal protection for civil servants and by increasing legal protection for employees relative to the conditions laid down in the Labour Code;

- 3) to expand institutional competency (with the exception of the Czech National Bank and Ministry of Foreign Affairs employees to be covered by a special Act on diplomatic services);
- 4) to define personal competence through a system to determine levels for civil servants and employees both in terms of their rights and obligations, their level of remuneration, compensation for additional duties and in terms of their level of legal protection, which will significantly reduce the number of members of the public administration with the status of civil servants;
- 5) to extend compensation, particularly of a non-financial nature;
- 6) to strengthen the state's role in providing uniform training methods, testing the knowledge and skills of civil servants, coordinating the system and responding to the specific needs of individual public authorities arising from the nature of their missions.

III./2. Streamlining the system allowing free access to information

The Czech Republic undertakes to adopt the following measures as part of its implementation of these priorities:

- 1) to repeal the Act on the right to information on the environment and to include this area in an Act on free access to information;
- 2) to specify the range of mandatory disclosures by individual "types" of obligated entities;
- 3) to introduce a so-called "information ban" when decisions are being made on appeal and on complaints brought by the governing body of the obligated entity;
- 4) to introduce an authorisation enabling the obligated entity, under specific conditions, to require that an applicant specify in more detail (or limit) the range of information requested;
- 5) to introduce a public interest test;
- 6) to implement measures to prevent abuse of the law by applicants (rejection of clearly obstructive request, advance deposits against costs and the explicit combination and distribution of requests submitted by an individual applicant), on condition that a legislative solution can be found that will minimise the possibility of abuse of such measures on the part of the obligated entities;
- 7) simplified response to anonymous requests for information contained in documents provided elsewhere (without always having to issue a formal administrative decision rejecting the request for information);
- 8) to repeal the obligation to publish information provided;
- 9) to specify clearly the methods by which information is provided, including the methods of its publication;
- 10) to amend the provision of information concerning criminal proceedings by amending the Criminal Code so that this regulation meets the conditions for special treatment within the meaning of Section 2 para. 3 of Act No. 106/1999 Coll., on free access to information;

- 11) to amend the provision of information on pay and remuneration of employees of obligated entities to reflect the spirit of the joint recommendations of the Ministry of Interior and the Office for Personal Data Protection on the provision of information on public sector salaries;
- 12) to amend the provision of information on the activities of the Armed Forces and the Military Police;
- 13) fully to apply the Administrative Procedure Code, setting out justified exceptions and deviations, or establishing an exhaustive definition of these provisions of the Administrative Procedure Code, which will be applied to procedures falling under Act No. 106/1999 Coll., on free access to information (with the proviso that the chosen solution may not lead to a substantial increase in the administrative load placed on applicants);
- 14) to amend other provisions of the Act in order to be in conformity with the Council of Europe Convention on Access to Official Documents which the Czech Republic intends to ratify.

III./3. Access to data and information

Most of the data needed is currently provided by the public administration through websites, or can be requested on the basis of the Act on free access to information. However, this method of publication, which does not meet the definition of open data, means that its further use is time consuming and technically demanding, sometimes even impossible.

A number of important data files will be transferred to systems that comply with open data standards, to ensure that anyone can freely incorporate this data in their work and publish it, particularly through automated computer processing.

Improved access to data and information will be achieved over four consecutive stages:

- 1) the identification and removal of obstacles, which includes:
 - a. legal openness, i.e. the publication of data under an open licence,
 - b. technical openness, i.e. the publication of data in a standard machine-readable format;
- 2) the creation of an open data infrastructure in the Czech Republic and the establishment of rules for the public procurement sector;
- 3) opening up the most important sources of data;
- 4) the creation of a catalogue of public administration data.

During the first stage the following sources will be opened: the commercial register, the insolvency register, the public procurement information system, results of elections, financial statistics - national debt, financial statistics - government financial statistics, ÚFIS - accounting records and financial data from CSÚIS, and the Central Registry of Grants.

IV. Conclusion

The Czech Republic welcomes the establishment of the Open Government Partnership - OGP initiative and values its efforts to improve public access to government globally.

The Czech Republic supports cooperation between those countries that have joined the Open Government Partnership initiative. It considers consultation at an international level to be the key to sharing best practices in open government and also supports public debate on the individual priorities with the general and professional public.

The Czech Republic will evaluate compliance with the Action Plan within one year of its adoption and will present its evaluation, together with an updated Action Plan to the Open Government Partnership initiative by 30 June 2013.