Public Integrity Indicators

Accountability of Public Policy Making

Principle 13 (Participation) of the OECD Recommendation of the Council on Public Integrity

Accountability of public policy making

Transparent and inclusive processes for public policy decision making are essential for averting capture by narrow interest groups. Key prerequisites are an open government that involves civil society in the development and implementation of policies, transparent parliamentary processes, and basic controls for managing conflict-of-interest situations, promoting transparency in lobbying activities, and monitoring the financing of political parties and election campaigns.
This set of indicators do not measure the sub-principle on existence of civil society "watchdog" organisations, as that is done by other international organisations and NGOs.

Indicators	Values
1. Regulatory framework for access to information, open data and public consultation	X/13
2. Regulatory framework for transparency in lobbying, conflict-of-interest and political finance	X/23
3. Coverage of basic functions to implement access to information and open data	X/9
4. Openness of government decision-making process	X/3
5. Public consultation in practice	X/3
6. Use of conflict-of-interest prevention mechanisms for senior officials	X/9
7. Use of oversight and prevention mechanisms for financing of political parties and election campaigns	X/7
8. Transparency of lobbying activities and prevention of undue influence	X/9
9. Proactive disclosure of datasets	X/15
10. Draft laws sent for written public consultation	%
11. Laws amended within a year of adoption	%
12. Use of extraordinary procedures for adoption of draft laws	%
13. Public share of political parties financing	%
14. Frequency of ministers' pre- and post-employment in regulated sector	%
15. Frequency of top officials' pre- and post-employment in regulated sector	%
16. Trust in government	%
17. Trust in parliament	%

Indicator 1: Regulatory framework for access to information, open data and public consultation
Review of the regulatory framework for access to information, open data, and public consultation. National authorities are asked to provide reference to the articles in primary legislation that fulfil the criteria below. Criteria 1 to 8 on access to information and open data are based on the OECD Recommendation for Enhanced Access and More Effective Use of Public Sector Information (2008), the OAS Principles on the Right of Access to Information (2008), the Open Government Declaration (2011), the OECD Recommendation on Digital Government Strategies (2014), the OECD Recommendation on Open Government (2017), and the Council of Europe transparency and open government resolution (2018). Criteria 9 to 12 on public consultation are based on the OECD Recommendation on Regulatory Governance (2012) and data is sourced through the associated Indicators of Regulatory Policy and Governance (IREG).
The following criteria are part of this indicator:
1. The regulatory framework provides that all public institutions and private persons carrying out public duties are holders of public information; and that everyone, including non-citizens and legal persons, has the right to access information in all the forms available.
2. The only restrictions to access to public information allowed are listed by law and are in line with the Tromso Convention[1].
3. Statutory deadlines for processing requests for information are in place
4. Information holders are required to provide information in the requested format; requesters are not required to provide justification for their requests.
5. The right to appeal to an independent body or the court against refusal or inactivity of an administrative body is ensured.
6. Information requested is always provided free of charge.
7. A list of datasets and mandatory information to be disclosed is defined in the regulatory framework.
8. Primary legislation specifies that government data are “open by default” (except for specific cases defined in the regulatory framework).
9. Decisions of the public body specialised in public information cannot be quashed by any executive body.
10. Public consultation is required for draft primary laws and a minimum duration for the consultation period is established.
11. Public consultation is required for draft laws secondary legislation and a minimum duration for the consultation period is established.
12. Regulations require the administration to inform those likely to be affected by the policy changes and other stakeholders in advance that a public consultation is to take place.
13. Comments provided in public consultations must be made public and authorities are required to provide a publicly available written response.

[1] Restrictions must be in line with the catalogue of legitimate grounds for restricting access to information that is included in Article 3.1 of the Tromso Convention https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680084826.

Indicator 2: Regulatory framework for transparency in lobbying, conflict-of-interest, and political finance

Review of the regulatory framework for transparency in lobbying activities, management of conflict-of-interest situations, and financing of political parties and campaigns. National authorities are asked to provide reference to provisions that meet the criteria below.

Criteria 1 to 2 on transparency in lobbying activities are based on OECD Recommendation of the Council on Principles for Transparency and Integrity in Lobbying (2010) and the Council of Europe Recommendation of the Committee of Ministers to Member States on the legal regulation of lobbying activities in the context of public decision making (2017). For any of these criteria to be fulfilled the regulatory framework must apply to the executive, legislative and judicial branches of government.

Criteria 3 to 7 on managing conflict-of-interest situations are based on the OECD Guidelines for Managing Conflict of Interest in the Public Sector (2003), the G20 High-Level Principles for Preventing and Managing Conflict of Interest in the Public Sector (2018). Criteria 8 to 16 on financing of political parties and election campaigns are based on the Recommendation 1516 (2001) of the Council of Europe Parliamentary Assembly, the Recommendation (2003) 4 of the Committee of Ministers of the Council of Europe, the Council of Europe Venice Commission Guidelines on the Financing of Political Parties, (2001) and Code of Good Practice in Electoral Matters (2002); the Guidelines on Political Party Regulation by OSCE/ODIHR and Venice Commission (2010), and the UN Convention Against Corruption.

The following criteria are part of this indicator:

1. Lobbying activities are defined in the regulatory framework, including which actors are considered as lobbyists.
2. Cooling off periods for public officials and lobbyists are established in the regulatory framework.
3. Regulations list incompatibilities between public functions and other public or private activities.
4. Regulations define circumstances and relationships that can lead to conflict-of-interest situations for public officials and establish the obligation to manage them.
5. Regulations define institutional responsibilities as well as submission, compliance, and content verification procedures for conflict-of-interest or interest declarations.
6. Any member of the Government must submit an interest declaration, as a minimum upon entry and any renewal or change in public office.[2]
7. Any member of the parliament must submit an interest declaration, as a minimum upon entry and any renewal or change in public office.
8. Any member of the highest bodies of the judiciary must submit an interest declaration, as a minimum upon entry and any renewal or change in public office.[3]
9. Any public employee in a high-risk position must submit an interest declaration, as a minimum upon entry and any renewal or change in public duties.[4]
10. Any newly appointed or reappointed top-tier public official of the executive branch must submit an interest declaration.
11. Sanctions for breaches of conflict-of-interest provisions are defined and proportional to the severity of the offence.
12. Sanctions for breaches of political finance and election campaign regulations are defined and proportional to the severity of the offence.
13. Sanctions for breaches of standards for transparency and integrity in lobbying are defined and proportional to the severity of the offence.
14. Electoral candidates can be held personally liable for breaches and be sanctioned.
15. Regulations ban anonymous donations, and all contributions made to political parties and/or candidates must be registered and reported.

[2] For criteria 6-8, this includes interest and/or asset declarations and financial disclosure schemes but excludes ad hoc conflict-of-interest declarations (e.g. declaration of a conflict of interest during a committee or plenary discussion of the Parliament, declaration of conflicts of interest to the head of jurisdiction for judicial officials.

[3] The highest bodies of the judiciary include the court or courts of the highest instance in the national judicial system, e.g. the Supreme Court and the Supreme Administrative Court, the Constitutional Court if such exists, as well as the body appointing or proposing appointments of judges and/or making decisions on disciplinary measures against judges, e.g. a judicial council. In federal systems, this also includes the courts of highest instance at the level of each unit (state).

[4] As a minimum, political advisors and staff in regulatory authorities are considered high-risk positions.

16.	Regulations ban contributions from foreign states or enterprises.
17.	Regulations ban contributions from publically owned enterprises.
18.	Electoral campaign expenses for parties, candidates and third parties are limited to a ceiling.
19.	Parties and/or candidates must report their finances (funding and expenses) during electoral campaigns.
20.	Regulations ban the use of public funds and resources in favour of or against a political party.
21.	Regulations set a maximum threshold for personal contributions to candidates' personal campaigns.
22.	Political parties must make financial reports public, including all contributions exceeding a fixed ceiling.
23.	Beneficial ownership rules make mandatory the disclosure of company data to identify owners of corporations, establish a central register, and make information accessible to the public.[5]

Indicator 3: Coverage of basic functions to implement access to information and open data	
Review of information submitted by national authorities regarding basic functions tasked with the implementation of national access to information and open data policies to fulfil the criteria below.	
The following criteria are part of this indicator:	
1.	A supervisory body responsible for public information issues is established.
2.	The management board or the head of the supervisory body for public information is appointed for a fixed term and can be dismissed during this term only in strictly defined cases.
3.	Appeals against decisions of the body[6] specialised in public information are decided by a body independent of all parties.
4.	Statistical data on requests for access to information and decisions have been aggregated and published by a relevant public body for the past three years.
5.	Inspections of compliance were conducted by the relevant supervisory body within the latest full calendar year.
6.	Sanctions for non-compliance were imposed by the relevant supervisory body within the latest full calendar year.[7]
7.	No appeal decisions on public information requests have been quashed in the last five years.[8]
8.	A central government unit or independent body is responsible for open data policy.
9.	A monitoring function for open data policy is established at the level of the central government.

Indicator 4: Openness of the government decision-making process	
Review of documentation provided by national authorities regarding the procedures and practices for decision making at the level of the Government (Council of Ministers or equivalent).	
The following criteria are part of this indicator:	
1.	All agendas of formal government sessions have been made publicly available online prior to the session within the latest full calendar year.
2.	Records of all decisions agreed upon at the government sessions (minutes) are kept.
3.	Ministers' agenda are made publicly available online, on their respective ministry website or aggregated on one government website, and specify who was met by the minister, in which capacity, and the topic that was discussed during the meeting.

[5] In line with the European Union (Anti-Money Laundering: Beneficial Ownership of Corporate Entities) Regulations signed on 22 March 2019.

[6] This body is normally a court and cannot be the parent ministry. This is in line with the revised EU Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services.

[7] If the supervisory body cannot impose sanctions then the criterion is not fulfilled

[8] If the supervisory body cannot issue binding decisions then the criterion is not fulfilled

Indicator 5: Public consultation in practice	
Review of documentation provided by national authorities regarding the procedures and practices for public consultation.	
The following criteria are part of this indicator:	
1.	All ministries published all draft laws for written public consultations during the past three years.
2.	All ministries have used at least one alternative to written public consultation during the past three years.[9]
3.	All ministries have produced reports on the outcomes of all public consultations conducted during the latest full calendar year that include the list of all comments submitted and how they were all addressed.[10]

Indicator 6: Use of conflict-of-interest prevention mechanisms for senior officials	
Review of information submitted by national authorities regarding procedures related to conflict-of-interest management and sanctions and their implementation to fulfil the criteria below. In countries with mandatory interest declaration, the rates for criteria 1-4 represent the actual number of interest declarations submitted as a share of all obligatory submissions, expressed as a percentage. In countries without mandatory interest declaration, the rates for criteria 1-4 represent the actual number of interest declarations submitted as a share of all members (ministers, parliamentarians, high-level judges, top-tier civil servants), expressed as a percentage. Only general interest and/or asset declarations and financial disclosure schemes are taking into account, not ad hoc conflict-of-interest declarations pertaining to specific situations (e.g. declaration of a conflict of interest during a committee or plenary discussion of the Parliament, declaration of conflicts of interest to the head of jurisdiction for judicial officials).	
The following criteria are part of this indicator:	
1.	The submission rate of interest declarations from members of the Government is 100% for the past six years.
2.	The submission rate of interest declarations from members of parliament is at least 90% for the past six years.
3.	The submission rate of interest declarations from members of the highest bodies of the judiciary is at least 80% for the past four years.[11]
4.	The submission rate of mandatory interest declarations from newly appointed or reappointed top-tier public official of the executive branch is at least 80% for the past four years.
5.	Declarations to be verified are selected according a risk-based approach.[12]
6.	At least 60% of declarations filed during the latest two full calendar years were verified by the responsible authority.[13]
7.	The responsible authority has issued recommendations for resolution within 12 months for all cases of conflict of interest detected for the past three years.
8.	A range of sanctions has been issued during the past three years in cases of non-compliance with disclosure obligations, non-management or non-resolution of a conflict-of-interest situation.[14]
9.	All declarations are submitted electronically.

[9] Any of the following alternatives can be considered: social media campaigns, town hall meetings, (physical public meetings), virtual public meetings, advisory groups or preparatory committees.

[10] As a minimum it should be explained whether the comment was accepted or not, and if not accepted, and explanation for why.

[11] The highest bodies of the judiciary include the court or courts of the highest instance in the national judicial system, e.g. the Supreme Court and the Supreme Administrative Court, the Constitutional Court is such exists, as well as the body appointing or proposing appointments of judges and/or making decisions on disciplinary measures against judges, e.g. a judicial council. In federal systems, this also includes the courts of highest instance at the level of each unit (state).

[12] As a minimum, politically exposed persons should be more likely to be selected.

[13] Verification of accuracy of content is understood as checking that information submitted in the different sections is complete, consistent and coherent, and checked against other available data sources. Politically exposed persons are defined as for the FATF.

[14] Examples of different sanctions include warnings and reprimands (either written of oral), monetary disadvantages (e.g. fines, salary penalties), impact on current or future career (e.g. demotions, transfers), ban from public office or annulment of a nomination/appointment, i.e. preventing offending former officials from occupying public office for specific periods, as well as dismissal from office.

Indicator 7: Use of oversight and prevention mechanisms for financing of political parties and election campaigns	
Review of documentation provided by the national authorities and the body responsible for political finance.	
The following criteria are part of this indicator:	
1.	An independent body has the mandate to oversee the financing of political parties and election campaigns.[15]
2.	The body has certified auditors on its payroll.
3.	The body has published as a minimum the following information: (a) number of cases related to breaches of political finance regulations, (b) number of investigations conducted, and (c) a breakdown of the different types of sanctions issued.
4.	All political parties have submitted annual accounts within the timelines defined by national legislation for the past five years.
5.	All political parties have submitted accounts related to elections within the timelines defined by national legislation for the past two election cycles.
6.	Financial reports from all political parties are publically available.
7.	All financial reports are available from one single online platform in a user-friendly format.[16]

Indicator 8: Transparency of lobbying activities and prevention of undue influence	
Review of information submitted by national authorities regarding procedures related to lobbying activities and prevention of undue influence and their implementation to fulfil the criteria below.	
The following criteria are part of this indicator:	
1.	A supervisory function in central government oversees transparency of lobbying activities.
2.	The code of conducts that regulates interactions between public officials and lobbyists is supported by practical examples of at-risk or undesirable behaviours and situations.
3.	Lobbyists' registration tools are made accessible for all and detail the registration procedure step by step to support the registrant.
4.	The lobbying register allows to sort information collected at the minimum by lobbyist's name, company or organisation, domain of intervention, and piece of legislation or regulation targeted.
5.	Information disclosed by lobbyists in the register includes their name, organisation, domain of intervention, and type of lobbying activities.
6.	Information disclosed by lobbyists in the register include budget/expenses for lobbying activities, and pieces of legislation and regulation targeted.
7.	The lobby register is accessible online.
8.	At least one investigation was carried out for non-compliance with the regulation of lobbying activities or incomplete or erroneous disclosure of information during the latest full calendar year.
9.	A register of beneficial ownership of corporate entities is operational and accessible to the public.

[15] As a minimum, the body needs to be established by law, with clear criteria for the appointment and removal of its managing body that prevents any influence from the executive, autonomy over recruitment and other HRM decisions, and financial accountability directly to parliament. Oversight of political parties and campaigns include both electoral and non-electoral periods. The body must have the mandate to review financial reports filed by both political parties (annual accounts and election-related income and expenses) and candidates running for elections if this is required by national regulations.

[16] A user-friendly platform provide generic menu lists of searchable data (by categories of reports, parties, elections), as well as include filters to sort this data. Data bulks and pages are be clearly labelled and easily downloadable, with a minimum number of folders and links used to reach the information. Further, it may provide generic guidance, including answers to commonly asked questions.

Indicator 9: Proactive disclosure of datasets
Assessment of websites of state administration bodies to determine the level of disclosure of the relevant information to fulfil the criteria below. National authorities are asked to provide reference to such datasets. This is validated by the OECD.
The number of data sets below that are disclosed online, free of charge, in a user-friendly manner and in an open data format is recorded:
1. Consolidated versions of all primary laws.
2. The state budget for the current calendar year (if already adopted) and the latest full calendar year.
3. The results of the last national elections, aggregated on one website (i.e. the number of votes cast for all candidates in every constituency and appointed representatives).
4. Legislative proposals of the government as sent to parliament.
5. Government sessions agenda.
6. Ministers' agenda.
7. Aggregated data on lobbying on public decision making including at minimum data on the identity and field of action of interest representatives met by members of Government and members of Parliament.
8. Consolidation of requests for information data in any format, as a minimum the share of cases in which access was not granted and the average time for processing requests for access to public information.
9. Public tenders announced by central government, aggregated on one website.
10. Results of all public tenders awarded by central government, aggregated on one website.
11. Company registry.
12. Land registry.
13. Salaries of individual senior civil servants (first and second tiers civil servants, i.e. secretary generals or equivalent and above) in all ministries, available on the ministries websites or the government portal.
14. Assets declarations of top-two-tiers of public officials in the executive branch, members of the judiciary, national elected officials.
15. Interests declarations of top-two-tiers of public officials in the executive branch, members of the judiciary, parliament, and government.

Indicator 10: Draft laws sent for written public consultation
Total amount of draft laws submitted to parliament that have underdone written public consultation in line with national regulations divided by the total amount of draft laws submitted to parliament, expressed as a percentage.

Indicator 11: Laws amended within a year of adoption
The ratio (expressed as a percentage) is calculated by dividing the number of new laws adopted by the parliament during the calendar year two years prior and subsequently amended by the total number of new laws adopted by the parliament during this period. Amendments to older laws and the annual budget law are excluded from this calculation.

Indicator 12: Use of extraordinary or shortened procedures for adoption of draft laws
The analysis is based on the following data: • The number of laws (new laws and amendments) adopted by the parliament during the latest full calendar year in extraordinary proceedings (e.g. in urgent, shortened, or simplified proceedings) divided by the total number of laws adopted within the same period. • The number of laws (new laws and amendments) adopted by the parliament within ten days of submission during the latest full calendar year divided by the total number of laws adopted within the same period.

The highest ratio (expressed as a percentage) of the two mentioned above is presented.

Indicator 13: Public funding as a share of political parties' revenues

The total amount of revenues of all political parties divided by the total amount of public funding provided to political parties, expressed as a percentage.

Indicator 14: Frequency of ministers' pre- and post-employment in regulated sector

Measure of the frequency with which ministers change employment from a ministry to a private sector organisation that operates within the scope of that ministry's area of competence (public-to-private) or vice-versa (private-to-public). Such practices indicate risks for conflicts of interest, insider information trading, etc. The arithmetic average of the two rates is presented.

- Public-to-private: Number of ministers who have departed the organisation and were employed by private sector organisations in the regulated sector within two years divided with the total number of departures, expressed as a percentage. Data from the past five years is analysed.
- Private-to-public: Number of ministers who in the past five years have joined the organisation directly from a private sector organisation in the regulated sector, expressed as a percentage.

Review of documentation provided by ministries, matched with data from the authority responsible for conflict of interest declarations and/or post-public employment provisions.

Indicator 15: Frequency of top officials' pre- and post-employment in regulated sector

Measure of the frequency with top-tier public officials (first level below minister) change employment from a ministry to a private sector organisation that operates within the scope of that ministry's area of competence (public-to-private) or vice-versa (private-to-public). Such practices indicate risks for conflicts of interest, insider information trading, etc. The arithmetic average of the two rates is presented.

- Public-to-private: Number of top-tier public officials in ministries who have departed the organisation and were employed by private sector organisations in the regulated sector within two years divided with the total number of departures, expressed as a percentage. Data from the past five years is analysed.
- Private-to-public: Number of ministers and top-tier public officials in ministries who in the past five years have joined the organisation directly from a private sector organisation in the regulated sector, expressed as a percentage.

Review of documentation provided by ministries, matched with data from the authority responsible for conflict of interest declarations and/or post-public employment provisions.

Indicator 16: Trust in government

Data will be sourced through GOV's trust survey project.

Indicator 17: Trust in parliament

Data will be sourced through GOV's trust survey project.

Glossary

Lobbying activities: The act of lawfully attempting to influence the design, implementation, execution and evaluation of public policies and regulations administered by executive, legislative or judicial public officials at the local, regional or national level.

Cooling off periods: Time limit imposed on officials previously employed by public sector organisations in order to prevent any offences that they might commit by engaging with their former contacts after they leave public employment.

Conflict-of-interest situations: Situations involving a conflict between the public duty and the private interests of a public official, in which the public official has private-capacity interests, which could improperly influence the performance of their official duties and responsibilities.

Highest bodies of the judiciary: The court or courts of the highest instance in the national judicial system, e.g. the Supreme Court and the Supreme Administrative Court, the Constitutional Court if such exists, as well as the body appointing or proposing appointments of judges and/or making decisions on disciplinary measures against judges, e.g. a judicial council. In federal systems, this also includes the courts of highest instance at the level of each unit (state).

Public employee in a high-risk position: Refers to, as a minimum, political advisors and staff in regulatory authorities. High-risk or at-risk positions are also often found in public procurement, revenue collection or licensing.

Top-tier public officials: The most senior public official(s) in ministries, directly answerable to the minister. first level below minister.

Interest declaration: A public statement specifying stakes or concerns in areas that might conflict with public duties. It includes asset declarations and financial disclosure schemes but excludes ad hoc conflict-of-interest declarations (e.g. declaration of a conflict of interest during a committee or plenary parliamentary discussion). They should include as a minimum, income and income sources, assets, paid and unpaid outside employment and liabilities.

Primary laws: Regulations which must be approved by the parliament or congress. Also referred to as “principal legislation”.

Top-two-tiers of public officials: The two highest management levels in the public administration.

Open by default: Refers to Principle 1 of the International Open Data Charter which states that government data should be public unless their release comes into conflict with other principles

Quashed: The act of rejecting as invalid, especially by legal procedure.

Undue influence: The act of attempting to influence the design, implementation, execution and evaluation of public policies and regulations administered by public officials, whether by providing covert, deceptive or misleading evidence or data, by manipulating public opinion or by using other practices intended to manipulate the decisions of public officials.