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Open Government at the local level in Poland

This chapter assesses the open government initiatives of Polish local self-government units (LSGUs) against the provisions of the 2017 OECD Recommendation of the Council on Open Government. It moreover analyses how the principles of transparency, integrity, accountability and stakeholder participation can be incorporated into decision-making processes to further improve policy-making and achieve more efficient and effective service design and delivery. Finally, the chapter provides recommendations to support the three different types of municipalities in taking a strategic approach to open government.

Introduction

More than ever, citizens across the world are calling for increased openness, transparency, integrity and participation in government at all levels. They are seeking public administrations that are more transparent, accountable and responsive, and are increasingly collaborating with stakeholders to achieve these objectives. They expect policies and services to address their needs and demands as well as governments to listen to their opinions and concerns. This new culture of governance, which places citizens and other stakeholders at the centre of public policies and service delivery, is known as open government. It is defined by the OECD as “a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth” (OECD, 2017^[1]).

There has been a significant increase in the number of national and local governments that have adopted open government strategies and initiatives in recent years. This has led to the consolidation of this policy field as a priority within the broader public sector transformation agenda. In some cases, municipalities, towns, cities and provinces lead the way and inspire national governments to undertake these same policies or initiatives. For example, in France, the open data movement begun at the local level and exerted bottom-up pressure, leading the national government to strengthen its efforts to meet the advancements taking place at the local level (OECD, 2018^[2]). Other times, national governments implement whole-of-government open government strategies which can be undertaken across all branches and levels of government with requirements that filter down to the local level; Colombia’s ambitious reform agenda to move beyond open government to becoming an open state is such an example (OECD, 2019^[3]). Thus, the subnational level manifestly plays a key role, both in its capacity to implement and, even more so, influence national policy and directives, as well as in its ability to advance their own innovative open government agendas beyond those mandated at the national level (OECD, forthcoming^[4]).

Unsurprisingly, open government reforms often take place at the local level. They are the closest point of contact for many stakeholders and citizens are more likely to be directly affected by the policies and service delivery in their own communities. The implementation of open government initiatives at the local level offers several opportunities for promoting more inclusive governance as well as fostering stakeholder engagement in policy-making to empower citizens, develop more responsive public policies and ultimately build greater trust in government. For these reforms to come to fruition, a system of adequate legal, regulatory and institutional frameworks alongside a strategic approach to open government and to directing these initiatives is necessary. Moreover, solid implementation measures must be in place, including improved mechanisms for co-ordination, a clear mandate and the necessary capacities, as well as increased knowledge and skills for both public officials and citizens to effectively embed the principles of open government into policy-making processes.

Setting the scene for open government in LSGUs in Poland

Open government as a catalyst for inclusive growth

The OECD recognises that open government is a key contributor to achieving different policy outcomes across a range of diverse domains. Yet, open government can mean different things to different stakeholders and policy-makers, and what it entails is often influenced by political, social and cultural factors. In recent decades, reformers both inside and outside of government have advocated the value of transforming the government-citizen relationship into a two-way dialogue with an emphasis on incorporating the open government principles (Box 8.1) into every stage of the policy-making process.

Box 8.1. Defining the principles of open government

- **Transparency:** Government transparency refers to the stakeholder access to public data and information – both proactively and reactively disclosed – on policy actions taken by public officials and the resulting outcomes as well as openness in the public decision-making process.
- **Accountability:** Accountability denotes a relationship referring to the responsibility and duty of government, public bodies, public officials and decision-makers to provide transparent information on and being responsible for their actions, activities and performance. It also includes the right and responsibility of citizens and stakeholders to have access to this information and the ability to question the government and reward/sanction performance through electoral, institutional, administrative and social channels.
- **Integrity:** Integrity refers to 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.
- **Stakeholder participation:** Stakeholder participation refers to all the ways in which stakeholders (any interested and/or affected party, e.g. individuals – regardless of their age, gender, sexual orientation, religious and political affiliations, civil society organisations (CSOs), journalists, trade unions, academics) can be involved in the policy cycle and in service design and delivery from sharing information to scheduling consultations and increasing engagement and collaboration at all phases of the decision-making process.

Source: Author's own elaboration based on OECD (2017^[1]), *Recommendation of the Council on Open Government*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438> and OECD (2017^[5]), *OECD Recommendation of the Council on Public Integrity*, <https://www.oecd.org/gov/ethics/OECD-Recommendation-Public-Integrity.pdf>.

In this new relationship, citizens are no longer passive receptors of government information and observers of the policy-making process; to the contrary, governments and citizens engage in the joint cocreation of value to the benefit of all parties (OECD, 2016^[6]). All actors in society, from citizens and CSOs to the private sector, have unique perspectives and insights on policy issues that affect their lives. Actively involving them in decision-making contributes to a better-targeted use of limited state resources as well as greater stakeholder buy-in with suggested policies and reforms (see also Chapter 4 on the use of evidence in strategic decision-making) (OECD, 2016^[6]). Importantly, it also signals civic respect from the government and empowers citizens to take action in their communities. While recognising that many intermediary forms of participation exist, the OECD has developed a typology to map the different existing relationships between citizens and governments, ranging from weaker to stronger forms of participation: information, consultation and engagement.

National and subnational governments around the world have long implemented the above practices and initiatives to foster the open government principles in sectoral fields, for example in urban planning or the environment, without necessarily realising that these are related to the concept of open government. However, governments are increasingly recognising the benefits of promoting these principles through an integrated and coherent approach. These benefits include but are not limited to:

- **Tailored and more responsive policies:** Stakeholders provide their expertise and perspective on areas in which governments have less knowledge and understanding, making these policies more likely to achieve their objectives.
- **Enhanced service design and delivery:** Citizens are the ones using public services and thus they are best placed to recognise their shortcomings and potential areas for improvement. Involving

a greater range of voices, particularly marginalised demographics, will give governments greater insight into service gaps and necessary reforms.

- **Increased government legitimacy:** If government decision-making is transparent, accountable and participatory, there will be more stakeholder buy-in with the proposals and ultimately more trust in the competency and ability of public officials to deliver on their promises.
- **Rebuilding trust:** A lack of trust compromises the willingness of citizens to participate in their democracy and contribute to their own community. Trust in institutions is important for the success of many government policies, programmes and regulations that depend on the co-operation and compliance of citizens.
- **Inclusive growth:** Openness is crucial for driving and accelerating progress and innovation in government and empowering citizens of all social backgrounds to know their civic rights as well as their opportunities to interact with their governments, make proposals based on their unique viewpoints, and monitor and evaluate the outcomes of government policy-making for sustainable and bottom-up economic and social development.

Consequently, open government reforms are being used by governments at all levels as a catalyst for attaining broader policy goals such as improving democracy, fostering inclusive growth and increasing trust. To achieve these objectives, governments must implement related strategies and initiatives. Building on the collective experiences of its members and partners, the OECD Council composed of all OECD member countries including Poland approved the Recommendation on Open Government in 2017 to support governments in this endeavour (see Box 8.2).

Box 8.2. Summary of the Provisions of the OECD Recommendation of the Council on Open Government

1. Develop and implement open government strategies and initiatives in collaboration with stakeholders and foster commitment from politicians, members of parliament, senior public managers and public officials.
2. Ensure the existence and implementation of the necessary open government legal and regulatory framework while establishing adequate oversight mechanisms to ensure compliance.
3. Ensure the successful operationalisation and take-up of open government strategies and initiatives.
4. 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.
5. Develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives.
6. Actively communicate about open government strategies and initiatives, as well as about their outputs, outcomes and impacts.
7. Proactively make available clear, complete, timely, reliable and relevant public sector data and information that is: free of cost; available in an open and non-proprietary machine-readable format; easy to find, understand, use and reuse; and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders.
8. Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy cycle and service design and delivery. This should be

done with adequate time and at minimal cost while avoiding duplication to minimise consultation fatigue.

9. Explore innovative ways to effectively engage with stakeholders to source ideas and cocreate solutions and seize the opportunities provided by digital government tools.
10. Explore the potential of moving from the concept of open government toward that of an open state, while recognising the roles, prerogatives and overall independence of all concerned parties and according to their existing legal and institutional frameworks.

Source: OECD (2017^[11]), *Recommendation of the Council on Open Government*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438>.

Poland's context for open government reforms

Over the last decade, the Polish government has made efforts towards better governance with the inclusion of open government elements in key national policy documents. For example, the 2017 Strategy for Responsible Development 2020 (including the perspective for 2030) highlighted the need for “effective public institutions to be inclusive, available, and open to citizens and entrepreneurs” (Government of Poland, 2017^[7]). Similarly, the 2013 *Poland Long-term National Development Strategy 2030: Third Wave of Modernity* articulates the government's key development strategy for the next decade. This strategy emphasises, under one of its three key pillars (innovation, diffusion, effectiveness), the need for the state to become more effective in being citizen-friendly (Government of Poland, 2013^[8]).

Moreover, certain national public entities have a mandate in areas relevant to open government principles and are well-placed to advance this topic further. For example, the Department for Civic Society in the Chancellery of the Prime Minister (*Kancelaria Prezesa Rady Ministrów*, KPRM) is tasked with preparing draft legal regulations for supporting civil society by the state and conducting civil dialogue (Chancellery of the Prime Minister^[9]). Until recently, the tasks of the Department of Data Management within the Ministry of Digital Affairs included creating and co-ordinating open government data policies (Ministry of Digital Affairs^[10]). However, following the adoption of the Regulation of the President of the Council of Ministers in October 2020 on the detailed scope of activities of the Ministry of Digitisation, these tasks are now also carried out by the KPRM (President of the Council of Ministers, 2020^[11]). Another relevant public autonomous body is the Office of the Ombudsman (*Rzecznik Praw Obywatelskich*, RPO) in Poland. The Office of the Ombudsman has taken a series of measures to ensure that the civil liberties and human rights of Poles are protected, including active communication campaigns at the national, regional and local levels to raise awareness of citizens' rights and how to protect them. However, despite meeting all of the eligibility criteria for membership since the Open Government Partnership's (OGP) establishment in 2011, Poland has not joined the OGP, a multilateral initiative that aims to secure concrete commitments from both national and subnational governments on promoting open government and empowering citizens, with national and local members in all regions of the world (Open Government Partnership^[12]).

A number of civil society organisations have assessed that, since 2015, Poland has faced considerable challenges related to creating an adequate environment for open government reforms to thrive. According to the World Justice Project Rule of Law Index (2020) (2020^[13]), the country ranks below average among countries of the European Union (EU) and European Free Trade Association (EFTA) in terms of relevant indicators such as publicised laws and government data, the right to information, complaint mechanisms and civic participation. According to Reporters Without Borders, an increase in the criminalisation of defamation has had a negative effect on freedom of expression for journalists and in independent media outlets. This tendency has caused Poland to fall in the ranking of the World Press Freedom Index from 22nd place in 2013, when the index began, to 62nd in 2020 (RSF, 2020^[14]). Furthermore, Transparency International's 2019 Corruption Perceptions Index ranks¹ Poland 41st out of 180. The Economist

Intelligence Unit's (EIU) Democracy Index also found that Poland's score has decreased year-on-year since 2014, placing it 57th out of 167 (EIU, 2019^[15]), and the EIU Poland Report (June 2020) noted that Poland's rule of law dispute with the European Commission (EC) concerns the government's reforms to the national court system (EIU, 2020^[16]). While the World Economic Forum Global Competitiveness Index ranks Poland relatively well at the 34th place out of 141 for incidences of corruption, it also finds that the system of checks and balances has deteriorated in recent years (World Economic Forum, 2019^[17]). This was also reflected in the most recent report from the Polish Ombudsman, which outlined an escalation of systemic problems related to challenges in the rule of law (Polish Ombudsman, 2018^[18]).

As outlined in Box 8.1, the OECD Recommendation on Open Government defines stakeholders as “any interested and/or affected party, including individuals, regardless of their age, gender, sexual orientation, religious and political affiliations; and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector” (OECD, 2017^[11]). Ensuring inclusiveness and equality for all segments of society, in particular for vulnerable, under-represented or marginalised groups, is key for promoting an open government. CIVICUS, a global alliance dedicated to strengthening citizen action and civil society around the world, has reported a number of violations to fundamental rights and civil liberties (CIVICUS^[19]). Since January 2019, for example, over 80 municipalities, counties and voivodeships have declared themselves to be free from LGBTI ideology. Although these declarations do not have legal force, they have contributed to an atmosphere of intimidation (OECD, 2020^[20]). The OECD Recommendation on Open Government recognises the importance of granting “all stakeholders equal and fair opportunities to be informed and consulted and actively engage” in public decision-making for more informed and effective policies, as excluding certain groups from public life will inevitably lead to suboptimal governance outcomes. In fact, specific efforts “should be dedicated to reaching out to the most relevant, vulnerable, under-represented and marginalised groups in society” (OECD, 2017^[11]) to ensure a wide range of perspective and expertise is considered, which will ultimately lead to more coherent and efficient policy-making and service design and delivery.

Regarding government transparency, providing access to public information (ATI) is a foundational tool, which allows citizens to hold governments accountable while also enabling more informed participation in the policy-making process. At the national level in Poland, the right to information is guaranteed in Article 61 of the 1997 Constitution and enforced by the ATI law adopted in 2001 (OSCE^[21]). The Global Right to Information (RTI) Rating places Poland's law 76th out of the 128 assessed countries and notes that some provisions are weak or insufficient (RTI Rating, n.d.^[22]). An analysis from the Batory Foundation found several challenges in the process for requesting information, including frequent refusals without proper justification, delays in processing applications and incomplete responses (Batory Foundation, 2014^[23]). The OECD *Open Government Data Review of Poland* explained that this is partly due to the high number of requests, which puts pressure on the public institutions' capacity to respond (OECD, 2015^[24]).

Aside from the provisions outlined in the Law on Public Benefit Activity and Volunteerism for consultations on regulations, there are few opportunities for civil society to meaningfully engage and see the impact and outcomes of their participation. The development of formal dimensions of social activities, such as membership in non-governmental organisations (NGOs) and contribution to community activities is at a moderate level in Poland (OECD^[25]). Volunteering through an organisation (termed “formal volunteering”) is less common in Poland than in the average OECD country: 19.4% of the Polish working-age population report that they engaged in formal volunteering during the past 12 months compared to 34.2% in the OECD (OECD, 2015^[24]). Despite this, Polish civil society is quite diverse: it includes not just formal NGOs² working on issues related to democracy and the rule of law but a whole range of organisations, from trade unions to student organisations (CIVICUS^[19]). As of the end of 2018, approximately 26 000 foundations and 117 000 associations were registered in the country. However, it is estimated that only about 70% of registered organisations, or about 100 000 associations and foundations, remain active (USAID, 2018^[26]). In addition, there are also about 50 000 other entities that fall broadly under the third sector and can range from social co-operatives and employers' organisations to craft guilds and church institutions and which

vary in their levels of formalisation, especially at the local level (USAID, 2018^[26]). This was confirmed during the fact-finding mission, as many of the CSOs the OECD team engaged with were community organisations that could be defined more as service providers or social, sports and leisure clubs rather than issue-based organisations that advocate for specific public policy changes on topics such as healthcare, education, social welfare or the environment. In practice, a number of LSGUs continue to broadly outsource various services to organisations in fields such as social assistance, sports and culture.

A key challenge for many CSOs is acquiring adequate funding for their planned activities, whether these come from the national government or external sources, such as international organisations. At the voivodeship level, EU funds are allocated to and implemented by 16 regional operational programmes which equates to one per voivodeship, in which the marshal office holds the responsibility of managing authority. They aim to support the socio-economic development of all 16 Polish voivodeships and the funding is aligned with the seven-year EU budgetary terms. However, concerns have been raised by CSOs that the funds from these new programmes will not be equally accessible to the entire sector in this current period. The United States Agency for International Development (USAID) noted that in Poland, organisations that are perceived as “loyal” to ruling party authorities receive ample government funding, while those focused on issues such as democracy and human/civil rights have little or no access to these funding sources (USAID, 2018^[26]). To address the issue, the National Centre for Civil Society Development (*Narodowe Centrum Rozwoju Społeczeństwa Obywatelskiego*, NCRSO), a government agency established in 2017 to allocate all public funds dedicated to civil society development, created and funded new programmes to support civil society (Novakova, 2020^[27]).

Overall, civic engagement is relatively weak in Poland at the national level, which can be attributed to a range of factors from its communist past to its narrowing civic space in recent years. CIVICUS points out the paradox of Polish civil society, stating that in Poland a “rather well-connected and well-structured organised civil society exists in the context of weak civic engagement” (Jacobsson and Korolczuk, 2017^[28]). Over time, this can lead to lower levels of trust in government and less civic interaction with national governmental institutions, including lower rates of voter turnout, which was only 55% in the 2019 elections in Poland, compared to an OECD average of 68% (OECD, n.d.^[25]). It can also result in individuals becoming less likely to volunteer in their community and be involved in its development.

However, based on research and the OECD fact-finding missions, the situation at the local level appears to be more promising, wherein citizens are turning to civil society and other forms of participation to ensure their voices are heard and to hold their public administrations to account. In fact, according to the 2019 Eurobarometer, trust in regional authorities (56%) is higher than in the national government (38%) (EC, 2019^[29]). This higher degree of trust can be leveraged by LSGUs to further involve their citizens while making government decision-making more transparent and inclusive. Some of the aforementioned issues at the national level regarding the protection and promotion of an open, democratic and participatory government do have repercussions for the local level, for example, a decline in national funding for issue-based CSOs. However, LSGUs do have wide-ranging powers to guide their own affairs and embrace open government culture, including through civic participation initiatives, participatory budgeting and how they choose to communicate with and involve a wide range of stakeholders in public decision-making.

The current open government scene at the local level

Local governments are at the forefront of open government reforms. Their smaller population size enables greater proximity to citizens, making it easier for them to meet demands for transparency, accountability and responsiveness. It also facilitates the implementation of more targeted and innovative public policies and regular opportunities to promote the principles of open government (OECD, 2019^[30]). This is also the case in Poland, wherein the wide-ranging competencies of Polish local self-governments are in large part due to the process of decentralisation in the late 20th century, which was one of the most successful aspects of the Polish transition to a stable democracy (see Chapter 6 on multi-level governance for more

information) (COE, 2019^[31]). The concept of local self-government represented one of the most significant pillars of this transformation. The scope of municipal responsibilities now ranges from spatial planning, telecommunications, public transport and health to social welfare, culture, tourism, co-operation with NGOs, and co-operation with local communities of other counties. It also includes “all public matters of local significance that are not reserved by law for other entities” (COE, 2019^[31]), which suggests that LSGUs have substantial autonomy in undertaking initiatives that go beyond those outlined by law. This legal framework has allowed LSGUs more flexibility to find innovative ways to meet their citizen’s demands in ways that are not mandated by law or guided by the national level. This range of competencies also ensures that, should they wish to do so, LSGUs in Poland can find ways to compensate for the barriers to openness that can be witnessed at the national level and address these challenges in their own communities.

In Poland, local self-governments implement, to varying degrees and with different objectives, a range of open government initiatives. The OECD defines such initiatives as “actions undertaken by the government, or by a single public institution, to achieve specific objectives in the area of open government, ranging from the drafting of laws to the implementation of specific activities such as online consultations” (OECD, 2017^[1]). The Polish legal framework, outlined in Table 8.1, largely shapes the open government principles and initiatives that can be found in the different types of municipalities.

Table 8.1. Legal framework shaping open government initiatives in Poland

Law	Main articles/provisions/rules/principles/amendments
Law on Access to Public Information (2001, latest amendments on 2020)	<ul style="list-style-type: none"> Proactively publish information through the Public Information Bulletins (<i>Biuletyn Informacji Publicznej</i>, BIP). Respond to individual requests for information.
Law on Municipal Self-government (1990, latest amendments on 2020)	<ul style="list-style-type: none"> Possibility to conduct local referendums (among other issues, on the removal of the mayor). Possibility to conduct public consultations. Possibility to create auxiliary units, including youth and senior councils. Transparency on municipal activities by, for example, providing access to the LSGU council sessions and meetings of its committees. The LSGU council must examine complaints, applications and petitions from citizens through a dedicated committee. Possibility for residents to participate in the debate on the yearly report on the state of the municipality. Possibility for citizens to initiate legislative procedures by submitting proposals of resolutions to be passed by the LSGU council (citizens' legislative initiative). Possibility to conduct (civic) participatory budgeting, which is obligatory for cities with county rights.
Law on Village Funds (Fundusz Sołecki) (2014, latest amendments on 2015)	<ul style="list-style-type: none"> Possibility to conduct participatory budgeting for rural and urban-rural municipality.
Law on Public Benefit and Volunteer Work (2003)	<ul style="list-style-type: none"> Provisions to regulate the engagement of stakeholders in consultative processes (e.g. through the creation of public benefit councils). Provisions to implement "local initiatives" (i.e. form of co-operation between LSGUs and inhabitants to jointly implement a public task). Provisions for NGOs to submit, on their own initiative, an offer of performance of public tasks; the relevant public authority must formally review and respond to this proposal.
Law on Public Finance (2009)	<ul style="list-style-type: none"> Principles of openness and transparency for public finance management. Compliance and promotion of ethical/integrity standards for public administration units.

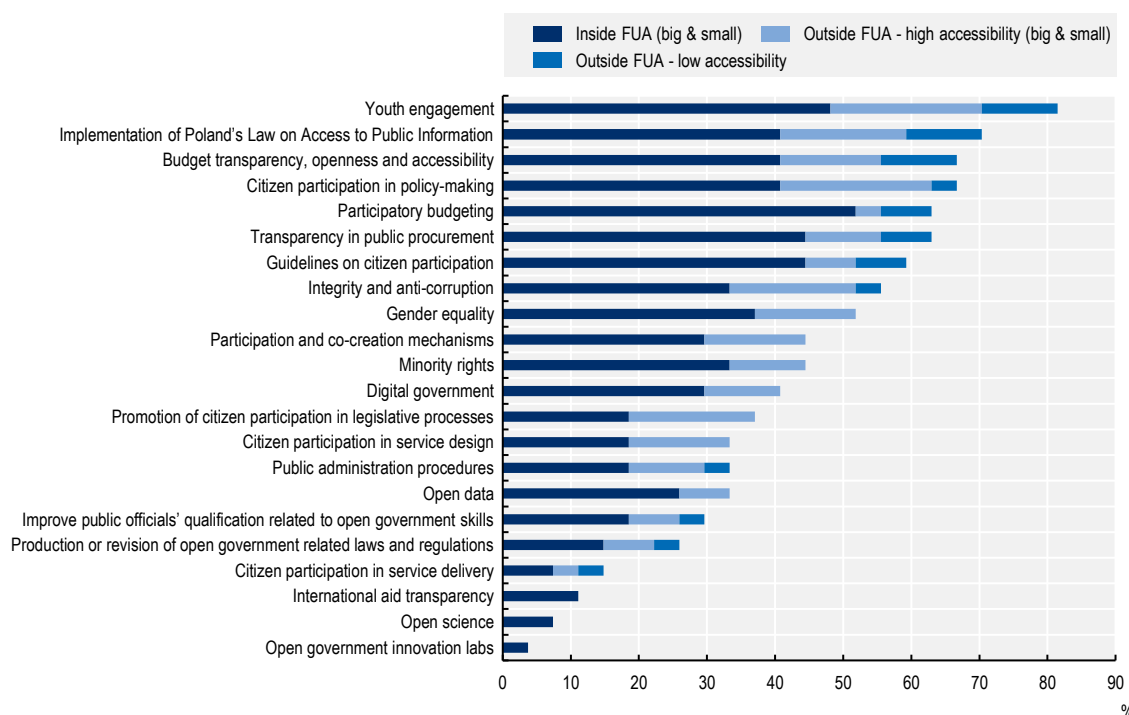
Note: The list of laws and provisions is not exhaustive.

Source: Authors own work based on the Law on Access to Public Information (2001^[32]), the Law on Municipal Self-government (1990^[33]), the Law on Village Funds (2014^[34]), the Law on Public Benefit and Volunteer Work (2003^[35]) and the Law on Public Finance (2009^[36]).

In particular, the OECD questionnaire found that municipalities inside functional urban areas (FUAs) implement more initiatives than other types of municipalities, with approximately ten on average, including those outside FUAs with high accessibility (eight on average) and with low accessibility (seven on average), as shown in Figure 8.1. The fact-finding missions revealed that this may be due to the fact that municipalities with low accessibility often have fewer resources and capacities to implement more initiatives and are also less aware of the benefits of doing so.

Overall, the most common initiatives in all types of municipalities are, unsurprisingly, those required by law. In particular, LSGUs regularly take action to comply with the access to information (ATI) law by proactively publishing information and responding to requests for information. The Law on Municipal Self-government also requires LSGUs to report on the state of the commune and provide access to external stakeholders to sessions of the LSGU council and its committees. LSGUs also reported a high degree of citizen participation in policy-making, in ways that are mandated under the Law on Public Benefit and Volunteer Work. These results are in line with the practice at the national level in most OECD countries, where 86% implement initiatives related to ATI laws and 80% conduct citizens' consultations (OECD, 2016^[6]).

Figure 8.1. Open government initiatives implemented by type of Polish municipalities



Note: Based on 27 municipalities' responses to the OECD questionnaire (n=27), from which: 16 Inside FUA (big and small), 8 Outside FUA – high accessibility (big and small), 3 Outside FUA – low accessibility. While the size of the questionnaire response sample does not allow to draw statistically relevant conclusions, it nevertheless offers sample-specific insights that may be relevant for a larger audience of Polish local self-governments units.

Source: Authors' own elaboration based on municipalities' responses to the OECD questionnaire (2020).

Beyond the provisions required by law, both the OECD questionnaire and the fact-finding missions illustrated that the most frequently implemented initiatives in all types of municipalities are different types of public consultations. These include youth and senior councils, some form of participatory fund allocation (including participatory/citizens' budgets, village funds or citizen participation in the regular budgetary cycle) and open government data (OGD) initiatives.

Consultations

The OECD defines consultation as the ways in which governments can gather comments, perceptions, information and the experiences and expertise of stakeholders to support their decision-making. In general, these consultations do not oblige public officials to take the stakeholders' perspectives and recommendations into consideration in the final outcome of their discussions, but instead help them to make informed choices (OECD, 2016^[6]). The Polish Constitution differentiates between two types of consultations: i) consultations between government, business and labour (social dialogue); and ii) consultations between the national government, local authorities and NGOs (civil dialogue) (OECD, 2013^[37]). The most important civil dialogue institutions in Poland are Public Benefit Works Councils (*Rada Działalności Pożytku Publicznego*), appointed by the minister responsible for social welfare. These councils, which operate at the national and regional levels, act as consultative bodies. They are comprised of representatives of the national government, local self-governments and NGOs, constituting the key parties in civil dialogue (OECD, 2013^[37]). Moreover, the Law on Public Benefit Activity and Volunteerism (2003) includes provisions to regulate the engagement of stakeholders in consultative processes. This law mentions that the “decision-making body of an LSGU adopts an annual programme of co-operation with

non-governmental organisations” (ISAP, 2003^[35]). Most of the LSGUs consulted during the fact-finding missions mentioned having these programmes. They include a wide range of activities such as allowing NGOs to have their sessions in the municipal building and organising training and information sessions for NGOs, as is done by the municipality of Plock (Government of Plock, 2019^[38]).

Most LSGUs interviewed during the fact-finding missions recognised the value of consultations for strategic policy documents and intend to expand the process for their upcoming local development strategy (LDS). The Law on Municipal Self-Government allows LSGUs to conduct consultations “on all issues that are important for local communities” (ISAP, 1990^[33]). In practice, most municipalities mainly apply this provision to conducting consultations for designing the LDS (see Chapter 3 on strategic planning for more information about the consultation process for the LDS). In order to collect information on citizens’ perceptions and needs, some LSGUs also have various mechanisms to engage as many stakeholders as possible and utilise their feedback, for example, online surveys, street interviews with citizens, focus groups with CSOs and discussions with experts on specific topics (see Chapter 4 for more information on the use of consultations for evaluation and regulations). For instance, in 2018, the municipality of Kutno, in collaboration with researchers from the University of Warsaw, asked residents for feedback on a variety of topics for their most recent report on the quality of public services and then published the results of these polls and referenced them for priority-setting going forward. Moreover, town-wide opinion polls have also been undertaken in the small municipality of Lubartów (Davies, 2019^[39]). Besides consultations for the LDS, small LSGUs have problems with distance and access in rural municipalities, which poses issues for stakeholders who would like to participate in consultative processes but have difficulties in attending. LSGUs could use information and communication technology mechanisms and tools such as online consultation to increase their reach and involve more stakeholders.

Furthermore, municipalities outside FUAs with low accessibility, which are often under the Polish territorial category of non-metropolitan areas, conduct consultations through local action groups (LAGs) following the EU requirements from the LEADER programme, for which they get funding and specific guidelines. LAGs under the EU LEADER programme are part of an inter-municipal partnership that involves private and non-profit actors. Poland has the greatest number of LAGs among the EU states (Hoffmann and Hoffmann, 2019^[40]) with 324 such groups (OECD, 2019^[41]). However, the extent to which CSOs have been meaningfully engaged in the LAGs has been questioned (OECD, 2018^[42]), with members of LAGs and the third sector outlining some challenges to their participation. The LAGs have strong public sector influence and the vast majority of these organisations in Poland have been established by public sector entities as opposed to civic or voluntary ones (OECD, 2018^[42]). The involvement of third sector organisations in LAGs has had a positive impact on the extent of civic engagement in local development strategy (LDS) building. However, it is also the case that 25% of Polish LAGs did not involve meaningful civic participation in how LDS were formulated. Given this, targeted policy support for civil society is required to ensure that the third sector has a more defined presence in intersectoral partnerships and non-metropolitan areas more generally (Furmankiewicz, Janc and Macken-Walsh, 2016^[43]). To achieve this, LSGUs could aim to co-implement open government initiatives as a way to support greater civic engagement and stakeholder participation and meaningfully involve CSOs in local development. LSGUs could also establish a system that ensures an institutionalised commitment to dialogue and consultation with civil society actors at each stage of formulating the LDS to guarantee that all stakeholders in society, including vulnerable, under-represented and marginalised groups, have a seat at the table. Meaningful community-led local development can lead to greater legitimacy of public decision-making and increased stakeholder buy-in for reforms. In this regard, LSGUs could consider the appointment of networks featuring stakeholders with varied knowledge, expertise and perspectives. It is also important that the national government’s rural policy fosters meaningful community-led local development while at the same time supporting and encouraging often nascent local institutions and CSOs by taking an open and participatory approach to decision-making. Municipalities – especially those outside FUAs – could advocate for this transformation at the local, regional and national levels for more inclusive and effective policy-making.

Youth and senior councils

Other consultative initiatives found in all types of municipalities are youth and senior councils, which are created as auxiliary consultative units for these population demographics under the law on local self-government, which provides guidelines for their creation. Although youth and senior councils are not mandated at the national or local level, many LSGUs undertake these initiatives to engage with these groups of citizens; 81% of respondents to the OECD questionnaire stated that they have undertaken initiatives for youth engagement and many of the LSGUs visited during the OECD fact-finding mission either had established or were in the process of establishing youth and/or senior councils. Members of these councils are usually voluntary and can range from representatives of relevant NGOs to elected citizens that are affected by these issues.

Despite legislative pathways enabling dialogue between youth and policy-makers at various levels of political authority, youth councils in particular do not form a coherent system (EC, 2019^[44]). For example, the Krotoszyn LSGU council established a youth council in 2018 (City Council of Krotoszyn, 2018^[45]). The role of the LSGU council is of paramount importance in this regard as it determines the scope of tasks, prerogatives, formal statutes and the voting system of its youth council. About 200 municipal youth councils are currently registered in Poland, which means that they operate within every 12th LSGU (8%) (EC, 2019^[44]). The role and activities of these youth councils usually involve consultations. Young people provide insight into the issues that affect them such as education, employment, housing, culture and sport, and they also serve to identify and inform public officials of the needs of young people in their community. In addition to their advisory role, these councils also promote active citizenship and demographic practices and encourage youth to participate in public decision-making. There are no similar provisions at the level of counties, which is why youth representations operating there often take the form of associations or bodies appointed as part of social consultation. There are also no specific programmes encouraging young people with fewer opportunities or at risk of exclusion to increase their participation in representative bodies (EC, 2019^[44]). Additionally, many smaller LSGUs noted that they have difficulty in gaining and retaining members for these councils as most young people move to urban areas. LSGUs could work, in collaboration with relevant local CSOs, to empower existing youth councils and facilitate the creation of new councils, especially in disadvantaged and vulnerable regions. LSGUs with existing youth councils could broaden the scope of their responsibilities and ensure that the outcomes of consultation with these youth councils are adequately reflected in the decisions made. This could result in a more active youth population who take a greater interest in their communities and towns as they can see their own impact on policies and the associated outcomes. Thus, establishing youth councils at the local and regional levels can counter sentiments of disengagement and social exclusion among this demographic and combat the population drain from rural to urban areas.

Surveys have shown that many Polish senior citizens believe they have little influence over what is happening in their local communities, which can be explained by the fact that the concept of local self-government itself is quite new to Poland and that some senior citizens may not be aware of their opportunities to participate in local decision-making (EEA Grants, 2014^[46]). Senior councils with an advisory role are identified as one of the most effective ways of including senior citizens more closely in the local decision-making process in order to make an impact on local issues (EEA Grants, 2014^[46]). Senior councils are a source of knowledge about the problems of seniors in the municipality and can support public officials in creating local policies and initiatives adapted to the needs of older people. Some of their activities can include giving opinions on documents that affect the situation of seniors such as resolutions, strategies and co-operation programmes, as well as on projects that affect seniors. They can also create their own proposals, produce solutions to challenges that the elderly may face, suggest actions that the municipality could take, and implement projects on co-operation with public authorities. Furthermore, the Association of Creative Initiatives “ę”, based in Warsaw, receives support from the Citizens for Democracy NGO fund in Poland (Citizens for Democracy^[47]). It is financed by the European Economic Area (EEA) and Norway Grants, to support existing councils and to create new ones (“ę” Association of Creative

Initiatives^[48]), which may explain the high number of senior councils in Polish municipalities. The association received funds from Iceland, Liechtenstein and Norway through this NGO fund in Poland under the 2009-14 EEA and Norway programme to finance these initiatives. In December 2017, Iceland, Liechtenstein and Norway signed new co-operation agreements with Poland for additional programmes under the EEA and Norway Grants 2014-21, which include a commitment to continue supporting similar initiatives and to protect civil society and civic space (EEA Grants^[49]). Thus, LSGUs could work to establish senior councils to unlock the expertise of senior citizens, many of whom have spent significant portions of their lives in their communities and are potentially more aware of opportunities as well as challenges to its development. While many already do, all LSGUs could then work to establish both a youth and senior council with a consultative purpose at each stage of the decision-making process in order to derive the aforementioned benefits. LSGUs could also consider encouraging and enabling collaboration between different thematic councils to facilitate an exchange of good practices.

Participatory fund allocation

As mentioned above, many LSGUs undertake some form of participatory fund allocation (67% of LSGUs responding to the OECD questionnaire), whether these are participatory/citizens' budgets, village funds or citizen participation in the budgetary cycle. Participatory budgets (PBs) are a mechanism that allows residents of counties or urban municipalities to allocate a certain amount of the city budget to the needs of their communities (counties they reside in) and by doing so they decide about their closest environment (Radzik-Maruszak, 2016^[50]). As described in-depth in Chapter 5 on budgeting, while cities with county rights have an obligation to implement PBs since 2018, this practice has extended to about 200 municipalities, counties and voivodeships that voluntarily implement such budgets. A related initiative to encourage engagement in non-metropolitan areas was also established by national law in 2009, called the Village Fund. The fund is presently being used in almost 90% of rural municipalities and is the strongest instrument for public participation in the country in terms of the number of community members that can be involved and the size of the funds (OECD, 2018^[42]). However, the main challenges for both initiatives are the relatively low tendency of citizens to participate and that participation is limited to a minor part of municipal budgets. In addition, the current plebiscite system for participatory budgeting has raised some concerns that there is not enough deliberation, consensus-building or consideration of the projects that are in the best interest of the local community, with the emphasis instead placed on which group can get the highest amount of votes, regardless of the quality of the project or need within the LSGU (Anna and Maria, 2019^[51]). Moreover, the change in the law in 2018 made open voting compulsory whereas a secret ballot assured residents that there will be no consequences of revealing the content of their vote (Budziarek, 2019^[52]). These factors undermine the potential of PBs for enhancing open and collaborative governance. To address this, LSGUs could review and evaluate their current systems and the quality of the projects being undertaken. One good practice of PBs in Poland in combatting this issue is the example of Dąbrowa Górnicza. The city's approach is a shift to deliberative democracy, within which citizens work out plans, policy or strategies through fair and reasonable discussions, instead of the decision being based on the most common aggregation of preferences through voting. While this is more costly and involves greater co-ordination of all stakeholders, it brought significant benefits in shaping civic awareness and initiating actual co-operation and real inclusion of residents in decisions concerning the city (Popławski, 2018^[53]). As a result, much effort is put into the quality of the process itself and LSGUs with the capacity to do so could learn from this practice. It would be beneficial for LSGUs to introduce the possibility of using more advanced forms of participation – such as discussion groups to jointly seek consensual outcomes as in Dąbrowa Górnicza – in addition to existing voting procedures to guarantee that citizens' priorities are more accurately reflected in the decision-making process. More generally, LSGUs could attempt to expand the percentage of the budget/funding involved as well as the range of stakeholders involved year-on-year by conducting awareness-raising campaigns and reaching out to specific demographics through different means.

Open government data (OGD) initiatives

In many national and subnational governments, the digital government and open data initiatives have driven the open government agenda. In Poland, while only 33% of all LSGUs stated that they implement OGD initiatives in the OECD questionnaire, some urban municipalities have contributed to advancing national policies through their own OGD initiatives. According to the Ministry of Digital Affairs, from the 130 data providers to the central open data portal (dane.gov.pl), 44 are LSGUs. However, maintaining a portal is time-consuming and costly, especially for small and rural LSGUs with few resources and a lack of necessary IT skills and/or connectivity. The ministry has therefore made available the central open data portal to facilitate the use of data for local self-governments and conducts workshops to engage more local self-governments to publish OGD. These efforts are part of an ambitious Public Open Data Programme led by the national government. According to the OECD OURdata Index 2019, Poland has significantly improved data availability, accessibility and support for reuse since 2017 and is now situated above the OECD average (OECD, 2019^[54]). Moreover, research shows that this movement has been driven by urban cities such as Gdańsk, Katowice, Poznań, Szczecin and Warsaw. Municipalities inside and outside FUAs with high accessibility have moreover developed OGD policies and foster initiatives in this regard to further engage with stakeholders. For example, since 2018, Płock has organised a yearly hackathon to use the city's open databases "to increase the quality of life of residents and improve their communication with the government" (Government of Płock^[55]). The agenda for the fourth edition in 2021 includes ecology, safety and security, and solutions for returning to normalcy in times of COVID-19.

Another noteworthy example is the case of Gdańsk, where the city conducted an ambitious open data strategy since 2014 in order to increase engagement and trust with citizens. The good practices learned by the city largely contributed to the elaboration of the *Data Opening – Good Practice Guide* published by the Ministry of Digital Affairs in 2019. This guide is targeted at public officials from national and local self-governments to increase awareness and facilitate the publication of OGD (Government of Poland, 2019^[56]). It includes Gdańsk's Open Manifesto as an example of an OGD policy. LSGUs could undertake the good practices outlined in the guide to improve their own open data policies, which focuses on the basic framework for the process of opening data and the relevant legal acts, identifying desirable institutional settings and presenting practical scenarios for data opening in government offices, while being catered to both public officials and stakeholders. LSGUs could also be encouraged to follow the example of Gdańsk as a LSGU that paved the way for better policies at the national level. The OECD is currently working on a set of Good Practice Principles for Data Ethics to ensure that the data use policies from both national and local self-governments serve the public interest, which member countries will be able to use to compare their practices and make improvements (OECD, forthcoming^[57]).

Engagement: Innovative citizen participation at the local level

Engagement refers to the ways in which governments provide opportunities to participate at each stage of the policy-making cycle. These participatory processes often entail citizens and other stakeholders having a direct influence over decision-making (OECD, 2016^[6]). Among the different types of innovative citizen participation that exist, deliberative processes have been gaining traction in recent years. For these processes, governments assemble ordinary citizens from all parts of society to deliberate on complex political questions and develop collective proposals. Public authorities at all levels of government have been using citizens' assemblies, juries, panels and other representative deliberative processes to better understand their priorities and concerns over the last decades. In fact, the recent OECD report *Innovative Citizen Participation and New Democratic Institutions*, which analyses such deliberative processes, found that most examples take place at the local level (52%) (OECD, 2020^[58]). During these processes, randomly selected citizens, comprising a microcosm of a community, spend significant time learning and collaborating through facilitated deliberation to develop informed collective recommendations for public authorities. The benefits of representativeness and deliberation are manifold. These processes can lead to better policy outcomes as they result in public judgement rather than public opinions (OECD, 2020^[58]).

Innovative practices for engaging with stakeholders can be found in a number of urban LSGUs in Poland. For example, the cities of Gdańsk, Lublin and Poznań have conducted citizens' juries and panels. LSGUs of all sizes and capacities could endeavour to implement deliberative mechanisms to increase citizen participation on the scale that best suits their own capabilities and the human and financial resources available. See Box 8.3 for more information on the examples of these mechanisms of citizen engagement in Poland.

Box 8.3. Citizens' juries/panels at the local level in Gdańsk and Lublin, Poland

In Gdańsk, former mayor Paweł Adamowicz presided over numerous civic innovations until 2019. In 2016, Gdańsk established Poland's first "citizen assembly" in order to develop policies on flood prevention in the city, with 63 residents drawn at random from the local electoral register to "raise the level of civic engagement in the areas most challenging to the city".

Lublin is the second city in Poland to benefit from the model of a citizens' panel. The city of Lublin has already hosted three panels devoted to various issues of great importance to the citizens. One such panel consisted of 60 panellists, 36 hours of meetings and 6 days of meetings and discussions. The result was 55 recommendations for the city with regard to reducing smog. Hence, Lublin is an example of a pioneering city and is open to social innovations, which involve its citizens in the decision-making process.

Source: Davies, C. (2019^[39]), "Poland's democratic spring: the fightback starts here", <https://www.theguardian.com/world/2019/jan/30/poland-democratic-spring-fightback-citizens>; Eurocities (2019^[59]), "The citizens' panel in Poland – Lublin as the second city to take up the challenge!", <http://www.eurocities.eu/eurocities/documents/The-citizens-panel-in-Poland-Lublin-as-the-second-city-to-take-up-the-challenge-WSPO-B32MMJ>.

Although LSGUs may face some challenges in implementing the aforementioned initiatives, their existence among all three types of municipalities shows a willingness to bring policy-making closer to their citizens and to adapt them to their specific needs. However, these practices are often scattered and found in isolation. Overall, no municipality takes a strategic approach to implement such initiatives with a wider objective of embedding the principles of open government in their decision-making process. In order to do so, the following sections provide analysis and recommendations on how LSGUs can take steps to further promote open government principles in high-level policy documents and in strategically co-ordinating existing initiatives. The focus will also touch upon the need to raise awareness among public officials and stakeholders of the benefits of open government reforms as well as of ensuring that the necessary institutional frameworks and human and financial resources are in place for effective implementation and tangible impact.

Towards a strategic approach to open government in LSGUs

Evidence from the OECD has shown that many open government initiatives are being carried out by national and local governments across its membership. However, as in Polish LSGUs, this is often done in an isolated, uncoordinated manner and on an ad hoc basis, limiting the impact of their potential benefits, increasing costs for the public administration and not achieving the intended results. This is why the OECD encourages governments at all levels to take a more strategic approach to implementing these initiatives. Provision 1 of the Recommendation on Open Government encourages adherents to "take measures, in all

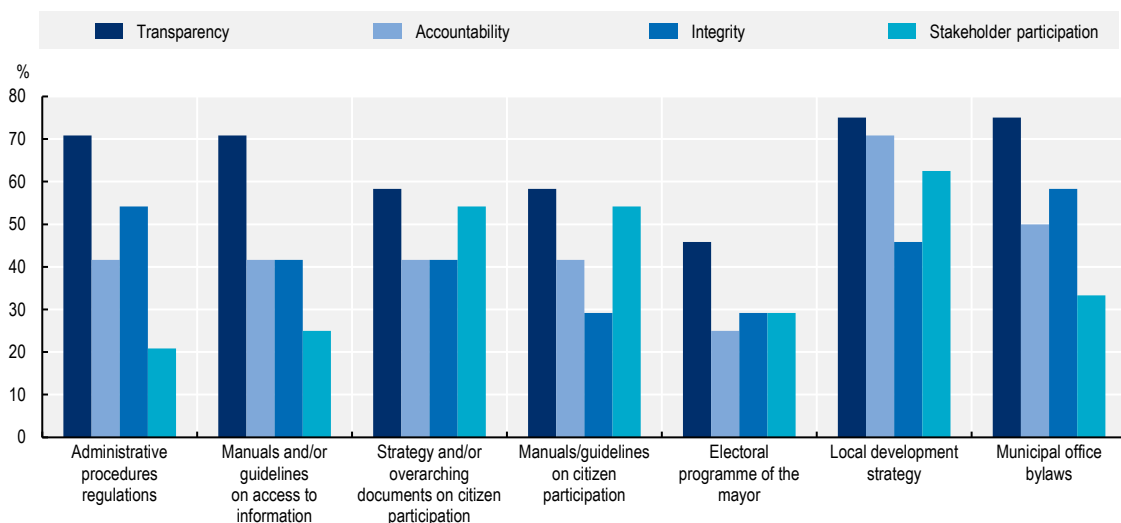
branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliaments, senior public managers and public officials, to ensure successful implementation and prevent or overcome obstacles related to resistance to change” (OECD, 2017^[1]). This needs to be accompanied by strong political commitment and leadership, a clear and well-disseminated mandate, adequate capacities and effective public communication measures.

Open government as a key element of the LSGUs’ local development strategies (LDS)

The crosscutting nature of open government reforms requires strong political commitment and leadership to ensure greater policy coherence. Political commitment reflects the decision of leaders to use their power, influence and personal involvement to ensure that reforms, programmes and initiatives receive the visibility, resources and ongoing political support required to overcome resistance to change, internal and external opposition, and to avoid deadlock (OECD, 2019^[30]). This commitment is often promoted in high-level policy documents to show leadership or outlined in the form of an open government strategy, the latter being a document that defines the open government agenda and “includes key open government initiatives, together with short, medium- and long-term goals and indicators” (OECD, 2017^[1]).

Data from OECD countries has shown that governments at all levels have included commitments related to open government and its principles in high-level policy programmes or documents (for example, in their government strategies), in crosscutting reform agendas (for example, in anticorruption strategies or modernisation plans) or in strategies on specific open government initiatives (for example, on open data or open contracting) (OECD, 2016^[6]). While the LSGUs interviewed by the OECD were not familiar with open government as a concept, they all recognised its principles as crucial elements of local policy-making and integrate them into different legal and policy frameworks. According to the OECD questionnaire, in Polish municipalities, transparency is the most frequently mentioned principle in such frameworks. As shown in Figure 8.2, it is included in the LDS (75% of respondents), in municipal office bylaws (75%) and administrative procedures regulations as well as manuals and/or guidelines on access to information (both 71%). Accountability and stakeholder participation are mostly included in the LDS (71% and 63% respectively). Furthermore, public integrity is mostly used in municipal office bylaws (58%) and administrative procedures regulations (54%). For more information on the LDS, see Chapter 3 on strategic planning.

Figure 8.2. Open government principles mentioned in legal and policy frameworks of Polish municipalities



Note: Based on 24 municipalities' responses to the OECD questionnaire (n=24). Answers reflect responses to the multiple-choice question: "Select which open government principles are mentioned in the legal acts and/or policy frameworks specific to your local government (tick all that apply)". While the size of the questionnaire response sample does not allow to draw statistically relevant conclusions, it nevertheless offers sample-specific insights that may be relevant for a larger audience of Polish local self-governments units.

Source: Authors' own elaboration based on municipalities' responses to the OECD questionnaire (2020).

While 87% of LSGUs responding to the OECD questionnaire include one or more open government principles in their LDS and implement related initiatives to varying degrees, none were found to have an open government strategy as per the OECD definition. Only the Metropolitan Association of Upper Silesia and Zagłębie ((*Górnśląsko-Zagłębiowska Metropolia (GZM Metropolis)*)), which is a metropolitan union of 41 individual cities and communes, has been found to start to adhere to a strategic approach to open government (Box 8.4).

Box 8.4. Open metropolis approach

The GZM Metropolis, a metropolitan union of 41 cities and communes, has regrouped some of the scattered initiatives on transparency, open data and stakeholder participation under the same "heading". The overarching objective is to connect citizens and local self-government officials through transparency and dialogue by increasing public consultations and participation in topics falling under its responsibilities: public transport, socio-economic development, spatial planning and promotion of the metropolis.

Thus far, the GZM Metropolis has undertaken several initiatives under this open approach, including consultations with local self-government officials, on pedestrian accessibility standards for example, as well as community consultations on topics such as sustainable urban mobility. Going forward, the metropolis also provides for the creation of a communication brochure with simple language to explain the essence of the idea-sharing principle. It moreover plans to organise a series of meetings, debates and participatory workshops on different topics relevant to its citizens (e.g. transport, mobility, spatial planning, etc.).

The metropolis website also comprises an open data portal with datasets on key topics, such as education, ecology, culture and public transportation. The portal offers combined data from all metropolis cities and communes in an open, free and reusable format. This can help local self-governments take more accurate decisions on the needs of their citizens, while also providing any stakeholder with the opportunity to monitor the quality of their public services. The InfoGZM portal is one of the tools supporting the process of making data and information publicly accessible (<http://infogzm.metropoliagzm.pl/>). It serves to share and visualise public data as well as to publish analyses, using several presentation forms such as cartograms, maps, charts, tables and summaries.

Source: Authors own elaboration based on fact-finding missions and internal documents provided by the GZM Metropolis and the official website <https://otwartedane.metropoliagzm.pl/>.

Moreover, 64% of all LSGUs found that a lack of or inadequate strategy is somewhat of or a major challenge to the implementation of open government initiatives. When disaggregating by type of municipality, the strategy is also noted as a challenge for 53% of big and small municipalities inside FUAs and 58% of those outside FUAs with high accessibility (big and small). This implies that urban LSGUs recognise more the need for taking a strategic approach to implementing such initiatives but have not yet done so.

In this sense, local self-governments could follow the example of the GZM Metropolis as well as those undertaken by other local governments in OECD countries (Box 8.5) and develop a standalone document in the form of a programme, strategy or policy that can provide this strategic view to co-ordinating open government initiatives. However, it is important to note that the realities of each LSGU are different in terms of size, capacity, accessibility and resources and that not all of them have the financial or human capacity to develop and implement such a document and the associated initiatives. For small LSGUs with limited resources and capacities, they can provide a strategic approach to this policy area by dedicating a component or chapter of the LDS to open government. To do so, LSGUs could include some of the main components of a strategy, such as setting objectives, establishing priorities and designing initiatives for implementation.

Box 8.5. The Open Government Plan of Biscay, Spain, and the Open City Policy of Edmonton, Canada

Open Government Plan of Biscay, Spain

The province of Biscay has shown high-level political commitment and leadership on open government reforms through its development of a 2017-19 Open Government Action Plan (OGAP). In this plan, Biscay aims to change the culture of the public sector with the underlying objective of improving public service delivery through 14 specific commitments. The overarching objective of Biscay's open government agenda is to improve the efficiency and effectiveness of the government while bringing the administration closer to its citizens. The commitments include: i) create and implement a transparency plan for the province; ii) develop the open data initiative of Biscay; iii) open provincial budgets; iv) promote accountability initiatives in the management of the Provincial Council of Biscay; v) define a policy evaluation system; vi) develop a model for citizen participation; and vii) foster social participation in gender equality policies, amongst others.

Open City Policy of Edmonton, Canada

Edmonton adopted an Open City Policy in 2015 in order to “articulate the city’s commitment to bring to action the Open City principles of transparency, participation, collaboration, inclusiveness and innovation” (City Council of Edmonton, Canada, 2015^[60]). To do so, the city will conduct the following initiatives: i) manage information and data assets as a strategic resource; ii) ensure information and data are open by default and private where appropriate; iii) expand opportunities to foster a collaborative environment and engage citizens to ensure municipal activities reflect community values, priorities and standards; vi) embrace technology and new business models to deliver services; v) remove barriers to access and open up new possibilities for collaboration between citizens and the city; and vi) work with other public and private sector organisations for the advancement of Open City principles.

Source: OECD (2019^[30]), *Open Government in Biscay*, <https://dx.doi.org/10.1787/e4e1a40c-en>; City Council of Edmonton (2015^[60]), *Open City Policy*, https://www.edmonton.ca/city_government/documents/PoliciesDirectives/C581.pdf.

In developing the document outlining the strategic approach, it is important to define the main objectives and establish medium- to long-term goals. Such a document should be linked to and aligned with the high-level objectives set by the LSGU in their LDS or any other relevant high-level policy document. LSGUs could take into consideration the below common elements, outlined in Table 8.2, which are used by other governments for taking a strategic approach to open government.

Table 8.2. Elements of a strategic approach to open government

Elements	Description
Identifying a vision	A clear statement of what the government and stakeholders aim to achieve through the implementation of open government reforms.
Assessing the current situation, looking back and planning ahead	A new policy should be based on a thorough review that maps efforts to date, discusses achievements and highlights challenges ahead. This step provides both the government and stakeholders with the necessary information and data to make better decisions.
Establishing priorities	Define clear and attainable priorities from the very beginning (which means making compromises).
Defining objectives	Define specific objectives, which should be: measurable, achievable and relevant; evidence-based in order to facilitate monitoring; ambitious without overcommitting the government or creating unrealistic expectations; and responsibly budgeted.
Including key definitions	Include definitions of key concepts (such as open government) as well as of key principles (e.g. transparency) to enhance the quality of the process.
Defining a narrative	The narrative links the document with the government's broader policy agenda and priorities. It should be written in easily understandable language.
Clustering initiatives	Before designing initiatives, it can be useful to define the clusters/activity streams to which initiatives will contribute. Clustering can be done in different ways, including through a principle-based, sectoral, open state or target-audience approach.
Designing successful open government initiatives	Key features of successful open government initiatives should be considered: aligned to the overall vision and the objectives of the strategy, built on pre-existing work, linked to other national or local strategies, linked to resources, anchored by the open government approach and communicated both internally and externally.

Source: OECD (forthcoming^[61]), "Taking an integrated approach to the promotion of transparency, integrity, accountability and stakeholder participation: Towards an Open Government Strategy", OECD, Paris.

Promoting co-ordination for open government initiatives

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" (OECD, 2019^[30]) are essential to ensure the effective and efficient implementation of open government strategies and initiatives. In order to achieve this, Provision 4 of the Recommendation on Open Government invites adherents 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]). The transversal nature of open government reforms requires a variety of stakeholders for its implementation, both from the public sector and civil society. Thus, the creation of strong co-ordination mechanisms is necessary to ensure that the goals outlined in an open government strategy or in the LDS are actually met. Evidence indicates that public administrations with 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 (OECD, 2016^[6]). This is why, governments at all levels have increasingly established a dedicated office or have appointed a particular individual in charge of co-ordinating the open government agenda (77% of OECD countries) (OECD, 2016^[6]). This helps ensure the quality of open government initiatives by:

- Facilitating the link between open government objectives with broader ones by connecting principles, a strategy and initiatives across the government and with non-state actors in order to foster a shared vision of this agenda.
- Promoting visibility across the government and towards citizens of existing good practices in the area of open government, as well as institutional champions.
- Creating economies of scale when implementing open government initiatives.

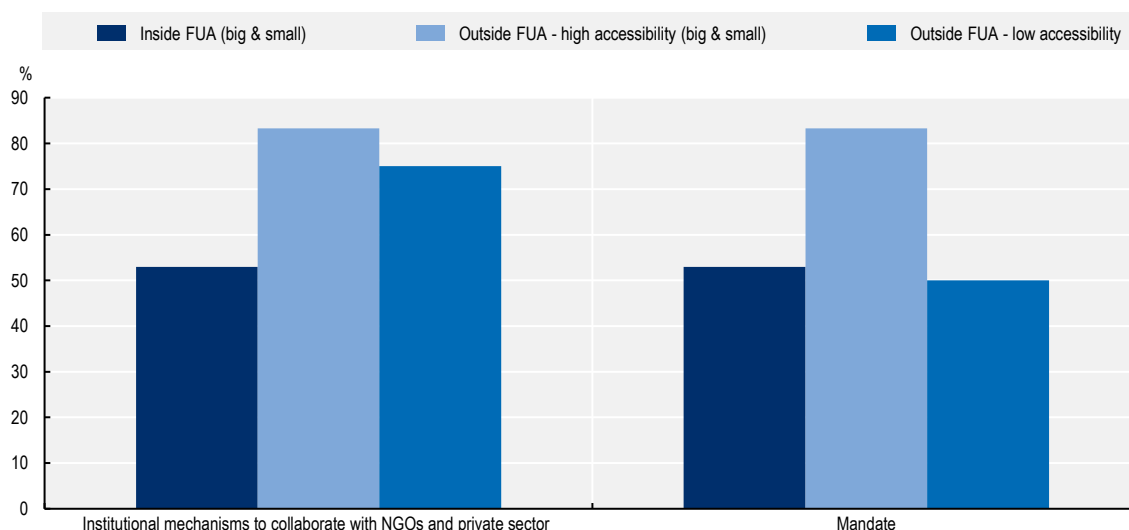
The most common mandate for existing offices in OECD countries at the national level is the co-ordination of the implementation of open government initiatives (89% of OECD countries), followed by monitoring the implementation of such initiatives (78% of OECD countries). Other recurring mandates for these offices

include developing the open government strategy and communicating about the reforms (70% of OECD countries for both). The mandate can also include evaluating the impact of the reforms (52%) and assigning financial resources for implementation (22%) (OECD, 2016^[6]). The institutional location of this office is essential, as its placement needs to facilitate a whole-of-government approach to open government as well as encourage the necessary political leverage. As mentioned above, political commitment, support and leadership are key to the success of open government reforms, which is not considered a major challenge for the municipalities who responded to the OECD questionnaire (only 35%). This could imply underlying high-level support for open government in Polish municipalities, supported by the fact that most principles are included in legal and policy frameworks (shown in Figure 8.2 above). These initiatives are however impeded by other challenges, such as insufficient human and financial resources.

Furthermore, the OECD questionnaire found that only 24% of municipalities have a specific institution, office or body in charge of open government initiatives. These municipalities are mostly inside FUAs or with high accessibility (88% of those having one). The most frequent duties and responsibilities from the minority of municipalities that have one include: participating in joint projects with other institutions (17%); implementing open government initiatives (11%); and organising regular meetings including steering committees and public fora (11%). In municipalities, the initiatives linked to the principles of open government are usually co-ordinated and implemented by the office or person in charge of the specific initiative, for example responding to requests to access information or conducting consultations for a given topic. The aforementioned annual programmes of co-operation with non-governmental actors and CSOs undertaken by many municipalities provides another example of an initiative that could be co-ordinated by an open government office. The fact-finding missions showed that small municipalities outside FUAs with high and low accessibility tend to have smaller teams with multiple responsibilities within the administration and therefore less institutional capacities to designate an office or a person solely for open government. Larger municipalities within FUAs or with high accessibility have greater resources resulting in them being more likely to have an office for interacting with CSOs and citizens. For example, Kutno has the intention of creating an office for social dialogue as a principal institution to hold consultative processes.

The lack of a co-ordinating body may hinder the elaboration and implementation of open government initiatives and weaken the possibility of long-lasting cultural change within the public administration. For instance, the open government team in the Scottish Government oversees both the implementation of the OGP commitments at the national level and the wider open government strategy with various local governments (Scottish Government, 2019^[62]). Significantly, data from the OECD questionnaire suggests that municipalities also recognise this as a challenge for open government initiatives. In particular, 67% of all types of municipalities consider as a major or somewhat of a challenge the lack of or inadequate institutional mechanisms to collaborate with NGOs and the private sector. This was even higher for LSGUs outside FUAs with high (83%) and low (75%) accessibility identified this as a major challenge or somewhat of a challenge (Figure 8.3).

Figure 8.3. Municipalities considering the lack of or inadequate mandate and institutional mechanisms to collaborate with NGOs and the private sector as challenges



Note: Based on 33 municipalities' responses to the OECD questionnaire (n=33), from which: 17 Inside FUA (big and small), 12 Outside FUA – high accessibility (big and small), 4 Outside FUA – low accessibility. Responses in the graph include municipalities responding “major challenge” and “somewhat of a challenge”. Answers reflect responses to the question: “What are the main challenges in implementing open government strategies focused on the areas of transparency, stakeholder participation, integrity and accountability in your local self-government? (Please tick the 3 main challenges).”. Multiple choice between the following responses: Lack of or insufficient mandate for the implementing institution; Lack of or inadequate strategy for the implementing institution; Lack of or insufficient incentives (career, financial, etc.) among local self-government institutions to implement; Lack of or insufficient financial resources for the implementing institution; Lack of or insufficient human resources for the implementing institution; Lack of or insufficient capacities in the implementing institution; Lack of or insufficient political will/leadership; Lack of or inadequate institutional mechanisms to collaborate with NGOs and private sector (e.g. the legal, financial or management frameworks and arrangements are not in place). Responses include the following categories: Major challenge; Somewhat of a challenge; Not a challenge.

While the size of the questionnaire response sample does not allow to draw statistically relevant conclusions, it nevertheless offers sample-specific insights that may be relevant for a larger audience of Polish local self-governments units.

Source: Authors' own elaboration based on municipalities' responses to the OECD questionnaire (2020).

Moreover, the co-ordinating office or official requires a strong mandate to convene the resources and range of stakeholders needed to attain its outlined objectives. As Figure 8.3 shows, most municipalities also consider the lack of or insufficient mandate for the implementing institution a major challenge or somewhat of a challenge (64% of all types), most notably for the municipalities outside FUAs with high accessibility (83%). This implies that while more urban municipalities recognise the importance of open government reforms, they lack the mandate for co-ordinating and/or implementing them effectively. This mandate could take the form of a provision within a legal framework or within a policy document or policy guidelines that would outline their responsibilities and entitlements in the area of open government.

Larger municipalities could therefore assign an office or a person with the mandate of co-ordinating the open government initiatives as well as monitoring and evaluating their implementation and impact. It is recommended that the office in charge of co-ordinating the open government agenda be located at the highest level in the municipalities. Smaller municipalities could assign the unit or person in charge of the LDS for co-ordinating the open government initiatives, particularly for those municipalities that include a dedicated chapter on open government in their strategy. This could help ease the burden for those municipalities that do not have the capacity or the resources to develop a strategy for open government nor to create a dedicated office or designate a person in charge of this policy area. When designating the office or official, municipalities could ensure that their mandate is clear and well-disseminated, and outlines whether it includes only co-ordination responsibilities or also developing the strategic approach, monitoring

and evaluating the initiatives, and communicating about the reforms. Doing so enables the office and the public officials in charge to have clarity about their role and duties and allows them to provide strategic guidance to the other relevant institutions implementing the initiatives.

The co-ordination of open government reforms can take different forms as the office with this role is not usually the one implementing these initiatives. In response, some OECD member and non-member countries have created ad hoc mechanisms such as open government committees or steering groups with relevant stakeholders such as CSOs, academia, the private sector, independent institutions and interested citizens. These mechanisms help exploit synergies to promote the open government principles, increase buy-in among the stakeholders involved in the initiatives and address insufficient CSO involvement in policy-making more broadly. This is the case for 34% of OECD countries (OECD, 2016^[6]) and some subnational governments, such as the state of Jalisco, Mexico, which created a Technical Secretariat for co-ordinating and monitoring the implementation of its Open Government Action Plan under the framework of the OGP (Technical Secretariat for Open Government in Jalisco^[63]). Other governments have created informal mechanisms to exchange good practices and share experiences among different implementing institutions. This can take the form of informal meetings or dialogue platforms among designated focal points in charge of the implementation of the initiatives across different institutions or departments, as is the case with Costa Rica which has designated open government contact points (see Box 8.6). This example could be replicated among larger municipalities to improve co-ordination among implementing stakeholders and foster an exchange of good practices.

Box 8.6. Co-ordinating mechanisms for open government reforms: The examples of Costa Rica and the state of Jalisco, Mexico

Costa Rica

The *enlaces institucionales* (i.e. open government contact points) in Costa Rica, established for the design and implementation of the Second Open Government Partnership (OGP) Action Plan, were an important first step to ensure inter-institutional co-ordination. An initiative taken by the centre of government, 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 national government ministries; decentralised institutions (e.g. semiautonomous and autonomous bodies); some municipalities; the Ombudsman; the judiciary, etc. The government aims to create at least one contact point in each institution that is involved in the implementation of its open government agenda. The *enlaces* met regularly and receive capacity-building support from the OGP Support Unit. While they do not formally report to the Deputy Ministry of the Presidency, they volunteer to collaborate with this office in order to achieve better results, contributing to an effective co-ordination tool for the centre of government, both horizontally and vertically.

State of Jalisco, Mexico

The state of Jalisco created a Technical Secretariat for co-ordinating and monitoring the implementation of its Open Government Action Plan under the framework of the OGP. This secretariat is a space for new proposals as well as follow-up on the commitments outlined in their action plan for 2019-21. Its purpose is to co-ordinate the work both within the government and by engaging with wider civil society through articulated dialogue. In 2019, the secretariat was restructured with these objectives in mind and is now comprised of several government branches and bodies that work to advance transparency, accountability and stakeholder participation and co-ordinate open government reforms. These include the Institute of Transparency as co-ordinator of the secretariat through its president commissioner; the executive power of the state through the Constitutional Governor of the Jalisco

State; the legislative power of the state through the President of the Board of Directors of Congress in the State; and the state judiciary through the President Magistrate of the Supreme Court of Justice. Other participating bodies include the Social Participation Committee of the State Anticorruption System through its president, the business sector through the President of the Employers' Confederation of the Mexican Republic (COPARMEX) and organised civil society through the head of the Council of Institutions for Social Development (CIDES).

Source: OECD (2019^[30]), *Open Government in Biscay*, <https://doi.org/10.1787/e4e1a40c-en>; Government of the State of Jalisco (2019^[64]), *Segundo Plan de Acción Local 2019-2020 de Gobierno Abierto Jalisco (Second Action Plan 2019-2020 of the Government of Jalisco)*, https://www.opengovpartnership.org/wp-content/uploads/2019/09/Jalisco_Action-Plan_2019-2021.pdf.

Moreover, vertical and horizontal co-operation among other LSGUs and levels of government represents untapped potential for further collaboration among Polish municipalities (for more information, consult Chapter 6 on multi-level governance). By co-designing and implementing open government initiatives with other levels of government, LSGUs can benefit from economies of scale and foster an exchange of ideas and good practices. Box 8.7 provides an example of a multi-level government effort to implement open government initiatives in the Autonomous Community of the Basque Country in Spain. Furthermore, the national government in Poland could establish a national commission on open government to co-ordinate among the national, regional and local levels. A similar commission currently exists in the form of the Open Government Commission of the Federal Council for Modernization and Innovation in Public Management of the Argentine Republic (COFEMOD), which includes representatives from the relevant national ministries, the Autonomous City of Buenos Aires and 17 provinces including Catamarca, Jujuy, La Pampa and Misiones.

Box 8.7. Implementing open government initiatives in collaboration with all levels of government: The example of the Basque Country, Spain

In 2018, the Basque Country joined the local Open Government Partnership (OGP) programme as a coalition of all regional levels of government: the Basque government, the three provincial councils (Araba, Biscay and Gipuzkoa) and the city councils of the capital cities of the territories (Bilbao, Donostia-San Sebastian and Vitoria-Gasteiz). The action plan for 2018-20 included five commitments, each led by one or two governments and contributed to by the other members.

Thus, the implementation of these commitments is being jointly assumed by the Basque society and its institutions in a transversal manner, and counts on the co-leadership and direct intervention of at least two institutions promoting the OGP in the Basque Country, the involvement of them all in learning and contributing with their experience throughout the process and in the commitment to foster the Basque model that emerges to address the shared challenges. For example, for the commitment targeting open data, the objective is to identify the main datasets of interest for citizens in order to further increase impact. All Basque administrations will be responsible for standardising and “linking” the data, creating new opportunities to use and analyse it.

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 government further increases the potential impacts of the initiatives

and of the possibility of cross-sectoral analysis to find innovative solutions to address issues in the region.

Source: Basque Country (2018^[65]), *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.

Providing adequate capacities for implementation

At its core, open government is about culture change. Well-qualified and motivated individuals are needed to promote and consolidate such a change (Regulski and Drozda, 2015^[66]). Therefore, having adequate capacities for implementation, including sufficient human and financial resources, is essential to achieve a strategic approach to open government reforms. Indeed, the lack of or insufficient resources is a common challenge for implementation among OECD countries, with 46% identifying human resources and 49% identifying financial resources as a main challenge (OECD, 2016^[6]). For this reason, the OECD's Recommendation on Open Government calls on adherents to provide "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" (OECD, 2017^[11]). This contributes to ensuring the successful operationalisation and take-up of open government strategies and initiatives by public officials in charge of its implementation.

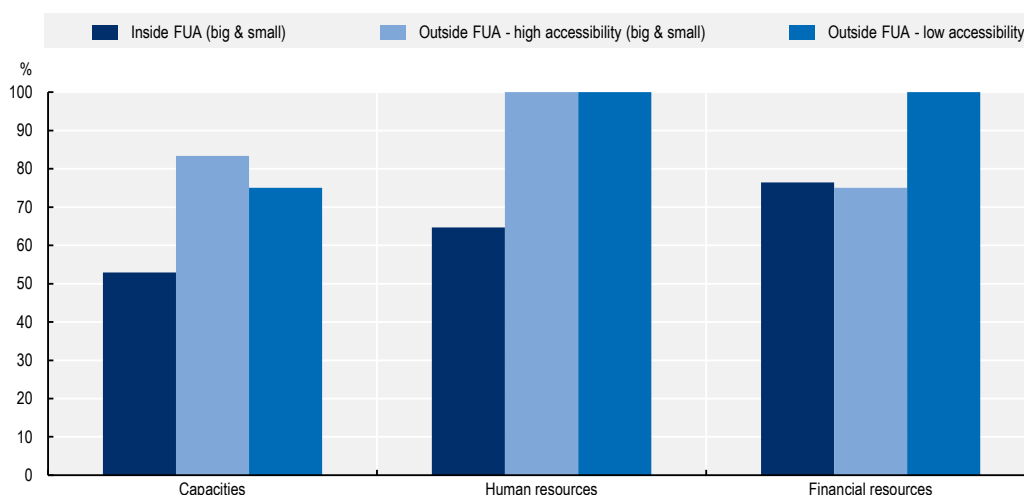
Moreover, these public officials require a solid foundation of competencies and knowledge on open government to carry out their duties effectively. The latter is what the OECD has called open government literacy, which is the combination of awareness, knowledge and skills that public officials and stakeholders require to engage successfully in open government strategies and initiatives (OECD, 2019^[30]). The Recommendation on Open Government acknowledges the need to promote "open government literacy in the administration, at all levels of government, and among stakeholders" (OECD, 2017^[11]).

The necessary skills and values for open government can include but are not limited to those related to stakeholder participation and transparency initiatives, such as negotiation skills, mediation skills and communication skills. These could be included in a range of policy documents but also in competency frameworks, codes of conduct, and especially in specific job profiles where these skills are most important for the position (i.e. those with tasks related to open government). For example, the province of Biscay in Spain introduced questions of general knowledge on the Provincial Law on Transparency in its entrance exam to the public administration (OECD, 2019^[30]). These skills could also be mainstreamed and incorporated into training and information sessions for public officials not only in vision documents and high-level strategic government priorities but also in public sector value statements and competency frameworks. A means to achieve this is through effective internal communication (i.e. within the public administration). This can contribute to secure political commitment and to have a better understanding of its objectives, responsibilities and duties for every public official involved. For instance, the United Kingdom elaborated an Open Government Playbook to enable policy-makers to implement the principles of open government throughout every stage of the policy-making and delivery cycle (UK Government, 2020^[67]). The playbook defines and promotes "open government ways of working" and provides a set of simple actions for implementation.

In Poland, 67% of all municipalities found the lack of capacities (human and financial) in the implementing institution as a major challenge or somewhat of a challenge (Figure 8.4). Unsurprisingly, this issue was exacerbated for municipalities outside FUAs with high accessibility (83%). This is even more relevant when solely considering human resources, as 82% of municipalities of all types found this as a major or somewhat of a challenge, particularly for 100% of interviewed municipalities outside FUAs with high and low accessibility. As mentioned above, the size of the teams in smaller municipalities is often limited, hindering their institutional capacities for effective implementation. These findings were confirmed during

the fact-finding missions, where smaller municipalities outside FUAs noted that they often face difficulties in both recruiting and retaining employees who would rather move to large cities, especially those in areas of low accessibility. Other municipalities also mentioned that frequent employee turnover and rotations hindered the implementation of longer-term objectives as well as co-operation both internally amongst colleagues and with other municipalities with whom they have built relationships. Municipalities could better advertise the duties and responsibilities of public officials, including the local open government initiatives that would fall under this position and, in doing so, attract local talent that may be interested in a career in the public sector and participatory practices. Though retaining public officials is dependent on many external factors (outlined in Chapter 7 on human resource management), open government reforms can result in more dynamic, inclusive and innovative policy-making processes, which increases the likelihood of public officials being both more invested in advancing this new culture of governance and being more connected to their wider communities.

Figure 8.4. Municipalities considering the lack of or inadequate capacities, human resources and financial resources as challenges



Note: Based on 33 municipalities' responses to the OECD questionnaire (n=33), from which: 17 Inside FUA (big and small), 12 Outside FUA – high accessibility (big and small), 4 Outside FUA – low accessibility. Responses in the graph include municipalities responding “major challenge” and “somewhat of a challenge”. Answers reflect responses to the question: “What are the main challenges in implementing open government strategies focused on the areas of transparency, stakeholder participation, integrity and accountability in your local self-government? (Please tick the 3 main challenges)”. Multiple choice between the following responses: Lack of or insufficient mandate for the implementing institution; Lack of or inadequate strategy for the implementing institution; Lack of or insufficient incentives (career, financial, etc.) among local self-government institutions to implement; Lack of or insufficient financial resources for the implementing institution; Lack of or insufficient human resources for the implementing institution; Lack of or insufficient capacities in the implementing institution; Lack of or insufficient political will/leadership; Lack of or inadequate institutional mechanisms to collaborate with NGOs and private sector (e.g. the legal, financial or management frameworks and arrangements are not in place). Responses include the following categories: Major challenge; Somewhat of a challenge; Not a challenge. While the size of the questionnaire response sample does not allow to draw statistically relevant conclusions, it nevertheless offers sample-specific insights that may be relevant for a larger audience of Polish local self-governments units.

Source: Authors' own elaboration based on municipalities' responses to the OECD questionnaire (2020).

Moreover, LSGUs have the obligation to respond to the legal frameworks of the national level, some mentioned that this represents a heavy regulatory burden, which causes a lack of time, too high a workload for public officials or insufficient capacities to comply, affecting the quality of the initiatives. For instance, in responding to the obligations under the access to information (ATI) law at the local level, LSGUs often struggle to respond to a large number of requests for information (Batory Foundation, 2014^[23]). In addition, small municipalities with limited capacities face challenges to manage the information and data needed for proactive disclosure of information under the ATI law, which is published through the Public Information Bulletins (BIP). These challenges are due, in part, to the enforcement of the ATI law itself, as sanctions for

non-compliance are not sufficiently enforced nor supervised by the relevant oversight bodies. LSGUs, therefore, seem to have few incentives to comply with the law and generally perceive their obligations as cumbersome (OECD, 2015^[24]). As aforementioned, these challenges result in frequent refusals without proper justification, delays in processing applications and incomplete responses. Another cause is the lack of sufficient capacities from public officials to adequately implement the ATI law. For example, municipalities with more capacities try to publish more information in the BIP to reduce the number of requests for information, while smaller municipalities do not have the resources to do so. This implies that some LSGUs do not have the necessary human resources to comply with the law and that those public officials responsible for compliance need additional training to manage information and data. Smaller municipalities with less capacity both inside and outside of a FUA could implement better information management systems through partnerships with other levels of government. Small and large municipalities alike could aim to proactively disclose more government information than the minimum required by law in order to reduce the burden of these requests and enable greater use and reuse of public data. Municipalities could monitor the most frequent and popular requests for information and release these on a regular basis through the BIP. Relatedly, municipalities could collaborate with the national government to identify opportunities for improvement as well as bottlenecks and capacity gaps in the use and reuse of public sector data.

In this context, Polish LSGUs and CSOs acknowledged the need to enhance knowledge and skills amongst public officials. This was reflected during the fact-finding missions, where the OECD found a lack of awareness among some public officials of the benefits of open government reforms. LSGUs could therefore aim to establish a wide range of measures to systematically enhance open government skills and knowledge among stakeholders on a regular basis. To increase awareness, LSGUs could conduct conferences, fora and debates on the topic as well as carry out an internal communication campaign through different channels to ensure that public officials know the benefits and potential impacts of these reforms. Other initiatives can include organising teach-ins and knowledge exchange sessions with international partners on the national and local levels. Having an accessible document that presents open government with simple actions in plain language could also contribute to raising awareness among public officials. Moreover, LSGUs could introduce upskilling and capacity-building training on open government, which would provide public officials with the knowledge and skills needed to implement such initiatives. In addition, it would enable public officials to communicate the benefits of open government both within the administration and with external stakeholders to increase their buy-in and allow them to better engage with other stakeholders in the policy-making process. Several LSGUs have undertaken initiatives to improve open government literacy for both public officials and stakeholders. The examples of Gostynin, Kutno and Plock are outlined in Box 8.8.

Box 8.8. Promoting open government literacy at the local level in Poland: Good practices from Gostynin, Kutno and Płock

In Kutno, a Code of Ethics for Employees of the City Hall specifies the values and standards of behaviour expected of public officials. Employees are obliged to undertake public duties with the following values in mind: the rule of law, impartiality, open proceedings and integrity, amongst others (article 9.1). The code also mentions that corruption is an abuse of a public position and refers specifically to nepotism, abuse of public or private funds and abuse of competency (article 7.1) and emphasises the importance of public trust. Lastly, the code promotes transparency and ATI in stating that employees must provide citizens with the information they request and allow access to public documents in accordance with the provisions of the ATI law (article 14.1).

Płock outlines its engagement and co-operation programme within its “Cooperation program of the Płock County with non-governmental organisations and other entities conducting public benefit activities for 2020” alongside which, as mentioned in the fact-finding mission, it organises training sessions for NGOs.

Similarly, Gostynin began hosting free training for NGOs in collaboration with the Society of Universal Knowledge in 2016. This event first took place in connection with the implementation of the Active NGO project, co-financed by the funds from the Marshal Office of Mazowieckie Voivodeship as part of the task “Enhancing the potential of Mazowieckie NGOs and building attitudes of civic activity”. In the 2016 session, training participants had the opportunity to deepen their knowledge of recent changes in the regulations governing the functioning of non-governmental organisations that took place in connection with the amendment to the Law on Associations and the Act on Public Benefit Activities and Volunteering.

Source: Płock City Council (2019^[68]), *Uchwała Nr 217/xiii/2019 (Resolution no 217/xiii/2019)*, <http://pozarzadowe.plock.eu/wp-content/uploads/2015/07/217.pdf>; Government of Gostynin (2016^[69]), “I szkolenie dla organizacji pozarządowych już za nami! (And the training for non-governmental organizations is behind us!)”, <http://www.gostynin.powiat.pl/informacje-powiatowe/1180-i-szkolenie-dla-organizacji-pozarzadowych-juz-za-na>; Government of Kutno (2016^[70]), *Kutno Code of Ethics*, https://umkutno.bip.e-zeto.eu/bip/227_umkutno/fckeditor/file/Zarzadzenia/zarzw14_16.pdf.

However, LSGUs highlighted a lack of resources both for training to build capacities of public officials and for implementing open government initiatives. This was reflected in the OECD questionnaire, where the lack of or insufficient funding was also highlighted as a major or somewhat challenge by 75% of all municipalities. As shown in Figure 8.4, this was particularly the case for 100% municipalities outside FUAs with low accessibility, followed by 76% of municipalities inside FUAs and 75% for those with high accessibility. In this regard, LSGUs could explore the possibility of co-implementing open government initiatives and training programmes for public officials with other neighbouring LSGUs to share costs and increase impact. Moreover, LSGUs could seek innovative sources of funding through diverse stakeholders, including different levels of government and external donors. For example, marshal offices manage funds from the EU at the regional level, which often finance projects with elements linked to the open government principles (for example through rural LAGs). The national government could also provide more funding to LSGUs, which would allow them to invest in and maintain human capital and allocate dedicated resources to training and upskilling public officials in the area of open government.

Improving public communication to effectively engage with stakeholders

Public communication is a mean for governments to inform and interact with citizens. In particular, external communication (i.e. with stakeholders beyond government) allows stakeholders to be informed on the reform, policy or strategy, fostering their engagement in policy-making processes that affect their lives. As in any policy area, public communication is particularly important for open government reforms. In fact, Provision 6 of the Recommendation on Open Government calls upon adherents to “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]). Improving public communication can therefore contribute to foster stakeholder participation by building wider social potential and the creation of conscious citizens who are motivated to use the mechanisms available to them to become involved.

As in most subnational governments, most communication in LSGUs tends to be community-based and supported by a central website. Interviewed municipalities also confirmed that they usually inform residents through press conferences, emails, text messages, social media and local newspapers and radio stations. Some LSGUs offer a questions and answers space for specialists or experts to exchange on specific topics. This is also the case for most OECD countries, which at the sectoral level, inform stakeholders on participation initiatives through the ministry website (OECD, 2016^[6]). Other forms of communication used by OECD countries include individual outreach activities targeted at selected participants, social media, traditional media (newspaper, TV, radio, etc.) or official publications like gazettes or bulletins.

However, most local self-governments also identified a lack of awareness or motivation among stakeholders to participate as a key challenge and pointed to a lack of participation culture as well as challenges related to engaging certain demographics. Some LSGUs also stated the need to better promote participatory initiatives as well as civic education. The national government could thus promote civic education and civic awareness in public life from a young age in a way that would foster a culture of participation in public decision-making in the future. Similarly, the OECD has found that citizens do not necessarily search proactively for means to participate nor are they aware of the opportunities to do so. Governments, including those at the local level, therefore “need to ensure that both the message and the channels to communicate initiatives are tailored to different stakeholders needs, including those of under-represented and groups” (OECD, 2019^[30]). In this regard, LSGUs could also promote the use of simple language in interactions with residents, in official documents and calls for consultation, especially those on the local development strategy. For instance, additional measures could be put in place to ensure that information is easily accessible for people with special needs to guarantee that public officials are reaching all groups in society. The national government could also develop good practice principles for simple language and ensure their promotion and dissemination among LSGUs. This could be done for instance through the establishment of a committee or expert group for simple language, which could collaborate with the Association of Polish Cities or another self-government organisation to ensure its roll out across the entire public administration.

These challenges are reflected in the data from the OECD questionnaire, where municipalities engage with limited stakeholders throughout the policy cycle. Municipalities of all types mostly engage with CSOs and with stakeholders that are identified as being affected by the policy issue in identifying policy priorities (more than 60% on average for both). By types, municipalities inside a FUA most often involve stakeholders that are identified as being affected by the policy issue in identifying policy priorities (69%), followed by policy implementation and evaluating the results and monitoring the impact of policies (56%). They also overwhelmingly tend to involve CSOs in identifying policy priorities (75%) as well as in policy implementation (63%). As is expected, municipalities outside the FUAs with both high and low accessibility have less frequent participation of all stakeholders (academics, interest-based lobby groups, citizens, journalists and organised professional groups) than those inside the FUAs. However, 50% of those in areas of low accessibility noted that they involve citizens in identifying policy priorities and in policy

implementation and service delivery. These findings indicate the need to better communicate with a wider variety of stakeholders beyond the “usual suspects” in all stages of the policy cycle, including vulnerable, under-represented and marginalised groups, to ensure that policies and services are designed in an optimum way that best serves their citizens.

In order to do so, LSGUs could host seminars and discussion groups for all age groups in society to equip citizens with civic, social and political education needed to enable them to gain access to the decision-making process and hold their governments accountable. It is also important for LSGUs to establish proper communication channels not only to raise awareness of existing initiatives to participate but also on its results and impact. This is a crucial element to foster participation and buy-in in the long term as stakeholders know how and why their input is included. To facilitate this, the OECD has elaborated a guide for communicating open government reforms (Box 8.9), which could provide useful insights for LSGUs.

Box 8.9. Communicating open government: A “how to” guide

An analysis of OECD data on open government and the Open Government Partnership (OGP) Action Plans shows that governments do not reap the full benefits of institutional communication on open government. For this, the two organisations – the OECD and the OGP – developed a practical guide to improving communication around open government reforms.

First, the guide provides a step-by-step process for developing a communications strategy for an open government strategy or initiative with the following elements: identifying internal and external objectives; setting targets and milestones; setting responsibilities; monitoring and evaluation; identifying audiences (by understanding existing perceptions, with stakeholder mapping and prioritisation, and with ways to reach diverse audiences); and developing key messages.

Moreover, the guide sets out various communication tools necessary for delivering messages successfully. It includes practical examples, such as content development (e.g. case studies, hard-hitting stories, talking points, etc.) and communication channels (e.g. press kits, websites, brochures, etc.). Finally, the guide calls on public officials responsible for open government to partner with the country’s public communicators in order to disseminate the open government strategy or the OGP National Action Plan.

Source: OECD (2019^[71]), *Communicating Open Government: A How-to Guide*, <http://www.oecd.org/gov/Open-Government-Guide.pdf>.

Recommendations

Improving existing open government initiatives and fostering further stakeholder participation

Improve existing participatory practices in LSGUs of different sizes and resources to involve a wider range of stakeholders

- Municipalities in low accessibility FUAs could aim to co-implement open government initiatives with any affected and/or interested parties such as CSOs, journalism associations, trade unions, community groups, and academics and researchers as a way to support greater civic engagement and stakeholder participation and meaningfully involve CSOs and citizens in local development.

- LSGUs could also establish a system that ensures an institutionalised commitment to dialogue and consultation with civil society actors at each stage of formulating the local development strategy (LDS) to guarantee that all stakeholders in society, including vulnerable, under-represented and marginalised groups, have a seat at the table. Meaningful community-led local development can lead to greater legitimacy of public decision-making and increased stakeholder buy-in for reforms. In this regard, LSGUs could consider the appointment of networks featuring stakeholders with varied knowledge, expertise and perspectives.
- It is also important that Polish rural policy foster meaningful community-led local development, while at the same time supporting and encouraging often nascent local institutions and CSOs by taking an open and participatory approach to decision-making. Municipalities – especially those outside FUAs – could advocate for this transformation at the local, regional and national level for more inclusive and effective policy-making.
- LSGUs could use information and communication technology mechanisms and tools such as online consultations to involve more stakeholders, in particular those with little accessibility.

Work to empower existing youth councils and facilitate the creation of new councils, especially in disadvantaged and vulnerable regions

- Creating youth councils at the local and regional level can counter sentiments of disengagement and social exclusion among this demographic and combat the population drain from rural to urban areas. LSGUs with existing youth councils could broaden the scope of their responsibilities and ensure that the outcomes of consultation with these youth councils are adequately reflected in the decisions made.

Consider establishing senior councils

- LSGUs could work to establish senior councils to unlock the expertise of senior citizens, many of whom have spent significant portions of their lives in their communities and are potentially more aware of opportunities as well as challenges to its development. LSGUs could also consider encouraging and enabling collaboration between different thematic councils to facilitate an exchange of good practices.

Consider expanding participatory budgeting and village funds

On participatory budgeting and village funds, LSGUs could attempt to expand the percentage of the budget/funding involved as well as the range of stakeholders involved year-on-year by conducting awareness-raising campaigns and reaching out to specific demographics through different means.

- LSGUs could review and evaluate their current systems for participatory budgeting and the quality of the projects being undertaken due to internal procedures (e.g. open voting).
- LSGUs with the capacity to do so could learn from the good practices of other LSGUs in prioritising a deliberative process over a plebiscite system of voting for choosing projects. It would be beneficial to introduce the possibility of using more advanced forms of participation – such as discussion groups to jointly seek consensual outcomes as in the city of Dąbrowa Górnicza – in addition to existing voting procedures to guarantee that citizens' priorities are more accurately reflected in the decision-making process.

Take advantage of existing guidance on open government data (OGD)

- On OGD initiatives, LSGUs could undertake the good practices outlined in the Data Opening – Good Practice Guide, which focuses on the basic framework for the process of opening data and the relevant legal acts, to improve their own open data policies. Some of the measures to consider

include identifying desirable institutional settings, building the skills necessary for managing open data and presenting practical scenarios for data opening in government offices, which cater to the needs and capacities of both public officials and stakeholders.

Explore inclusive deliberative mechanisms to increase citizen participation

- LSGUs of all sizes and capacities could endeavour to implement deliberative mechanisms, where governments assemble ordinary citizens from all parts of society to deliberate on complex political questions and develop collective proposals, to increase citizen participation (citizens' assemblies, juries, panels, etc.) on the scale that best suits their own capabilities and the human and financial resources available.

Taking a strategic approach to open government

Consolidate scattered and fragmented open government initiatives

All LSGUs could take a strategic approach to open government by consolidating scattered and fragmented initiatives they currently implement into a single framework.

- Larger LSGUs could follow the example of GZM Metropolis, as well as those undertaken by other local governments in OECD countries and develop a standalone document in the form of a programme, strategy or policy that can provide this strategic view to co-ordinating open government initiatives.
- Smaller LSGUs could dedicate a component or chapter of the LDS to open government. To do so, LSGUs could include some of the main components of a strategy, such as setting objectives, establishing priorities and designing initiatives for implementation.

Ensure institutional responsibility and co-ordination for open government initiatives

- Larger LSGUs could therefore assign a single office or person with the mandate of co-ordinating the open government initiatives as well as monitoring and evaluating their implementation and impact. It is recommended that the office in charge of co-ordinating the open government agenda be located at the highest level in the LSGUs (please see recommendations in the chapter on intra-LSGU co-ordination).
- Smaller LSGUs could assign the unit or person in charge of the LDS for co-ordinating the open government initiatives, particularly for those LSGUs that include a dedicated chapter on open government in their strategy.
- When designating the office or official, LSGUs could ensure that their mandate is clear and well-disseminated, and outline whether it includes only co-ordination responsibilities or also developing the strategic approach, engaging with CSOs, co-creating initiatives, monitoring and evaluating the initiatives, and communicating the reforms, to ensure the effective operationalisation of open government initiatives. Doing so also enables the public officials in charge to have clarity about their role and duties and allows them to provide strategic guidance to the other relevant institutions implementing the initiatives.

Foster vertical co-operation across levels of government for open government initiatives

- LSGUs could aim to co-design and co-implement open government initiatives with other levels of government and other LSGUs in order to benefit from economies of scale and foster an exchange of ideas and good practices.

Creating an open government culture in LSGUs

Improve the advertisement of the duties and responsibilities of public officials

- On attracting and retaining public officials, LSGUs could better advertise the duties and responsibilities of public officials, including the local open government initiatives that would fall under this position and, in doing so, attract local talent that may be interested in a career in the public sector and participatory practices. Though retaining public officials is often dependent on many external factors, open government reforms can result in more dynamic, inclusive and innovative policy-making processes, which increases the likelihood of public officials being both more invested in advancing this new culture of governance and being more connected to their wider communities.

Improve compliance with the access to information (ATI) law

- To improve compliance of LSGUs with the ATI law, smaller LSGUs with less capacity both inside and outside of FUAs could implement better information management systems through partnerships with other levels of government.
- Similarly, small and large LSGUs could aim to proactively disclose more government information than the minimum required by law in order to reduce the burden of these requests. LSGUs could monitor the most frequent and popular requests for information and release these on a regular basis.

Foster greater transparency by improving the reuse of public sector data

- LSGUs could collaborate with the national government to identify opportunities for improvement as well as bottlenecks and capacity gaps in the use and reuse of public sector data.

Increase open government literacy among LSGU officials and employees

- To enhance knowledge and skills amongst LSGU employees and public officials, LSGUs could conduct conferences, fora and debates on the topic as well as carry out an internal communication campaign through different channels to ensure that public officials know the benefits and potential impacts of open government reforms. Other initiatives can include organising teach-ins and knowledge exchange sessions with international partners on the national and local levels. Having an accessible document that presents open government with simple actions in plain language could also contribute to raising awareness among public officials. Moreover, LSGUs could introduce upskilling and capacity-building training on open government, which would provide public officials with the knowledge and skills needed to implement such initiatives. In addition, it would enable public officials to communicate the benefits of open government both within the administration and with external stakeholders to increase their buy-in and allow them to better engage with other stakeholders in the policy-making process.

Foster new partnerships for open government

- To address the lack of resources available both for training and capacity-building of public officials and for implementing open government initiatives, LSGUs could explore the possibility of co-implementing such initiatives with other neighbouring LSGUs to share costs and increase impact. Moreover, LSGUs could seek innovative sources of funding through diverse stakeholders, including different levels of government and external donors. For example, marshal offices manage funds from the EU at the regional level, which often finance projects with elements linked to the open government principles, such as those undertaken through rural local action groups (LAGs).

Continue building better methods of public communication

- To improve public communication, LSGUs could host seminars and discussion groups for all age groups in society to equip citizens with civic, social and political education needed to enable them to gain access to the decision-making process and hold their governments accountable. It is also important for LSGUs to establish proper communication channels not only to raise awareness of existing initiatives to participate but also on its results and impact. This is a crucial element to foster participation and buy-in in the long-term, as stakeholders know how and why their input is included.
- LSGUs could promote the use of simple language in interactions with residents, in official documents and in calls for consultation, especially those on the local development strategy.
- Additional measures could be put in place to ensure that information is easily accessible for people with special needs to guarantee that public officials are reaching all groups in society.

Recommendations for the national government

Consider establishing a National Commission or Committee on Open Government.

- To facilitate vertical and horizontal collaboration throughout all levels and branches of government, the national government in Poland could establish a national commission or committee on open government to co-ordinate among the national, regional and local levels. The existence of a multi-level, integrated body for open government further increases the potential impacts of related initiatives and the possibility of cross-sectoral collaboration at different levels of government.

Mobilise additional funding for open government in LSGUs at the national level

- The national government could also provide more funding to LSGUs, which would allow them to invest in and maintain human capital and allocate dedicated resources to training and upskilling public officials in the area of open government.

Prioritise inclusion in public decision-making for more effective and efficient policies

- The national government could consider making specific efforts to reach out to and engage the most vulnerable, under-represented and marginalised groups in society to ensure a wide range of perspective and expertise is considered, which will ultimately lead to more coherent, efficient and sustainable policy-making and service design and delivery.

Promote civic education to improve local citizen participation

- The national government could promote civic education and civic awareness in public life from a young age in a way that would foster a culture of participation in public decision-making in the future.

Endeavour to use simple language in public communication

- The national government could develop good practice principles for simple language and ensure their promotion and dissemination among LSGUs. This could be done for instance through the establishment of a committee or expert group for simple language, which could collaborate with the Association of Polish Cities or another self-government organisation to ensure its roll out across the entire public administration.

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Notes

¹ The rankings indicated in this section refer to a calculated score for each country assessed based on several indicators. As an example, the Transparency International Corruption Perceptions Index ranks 180 countries with the ranking ranging from 1 (best) to 180 (worst). For further information on the methodology behind each ranking, please consult the references.

² The author uses both the term non-governmental organisation (NGO) and the term civil society organisation (CSO) throughout the text. This is to account for the fact that Polish LSGUs most often refer to NGOs only in their policy documents while the OECD uses the term CSO to describe a broader range of civic actors outside of the subset of formal, registered organisations.



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