Executive summary of the public audit report

WHETHER DISCLOSURE OF THE PUBLIC SECTOR DATA IS ENSURED

29 November 2016, No. VA-P-900-1-25

Full audit report in Lithuanian available on website of the National Audit Office: www.vkontrole.lt

DEFINITIONS AND ABBREVIATIONS

Updated Directive: the European Parliament and Commission Directive 2013/37/EU of 26 June 2013, which partially replaces the Directive 2003/98/EC on the re-use of public sector information, 17 November 2003.

Open license: a document that grants access, re-use and distribution rights to a particular object without any restrictions or with only a few restrictions[1].

Open format: a file format that is platform-independent and made available to the public without any restriction that impedes the re-use of documents[2].

Open data: data freely available in the activity of an institution or documented data, information or part thereof, regardless of the presentation type, form and media, including register data, register information, data from documents submitted to the register and (or) copies thereof, and public information system data, which all persons and entities can re-use and distribute for any purpose, specifying the source, and only under the same conditions that they have been obtained under[3]. This definition is a summary of the concept of the data openness[4], which is described in four open data features:

- automatic scan: data available in open formats can be scanned by means of information technology;
- gratuitousness (payment for data): data is obtained free of charge or for a remuneration (charged in cases provided by law) that does not exceed the costs established by law. The European Commission recommends[5] using the zero cost method to calculate the remuneration to be charged for open data, i.e. data should be available free of charge. If this is not possible, the remuneration charged for open data should not exceed marginal costs;
- right to use without restrictions: the data obtained can be further processed without any restrictions, combined with other data, or handed over to third parties, etc. (data can be used and re-used for commercial and non-commercial purposes);
- accessibility: the scope of disclosed data is not limited. The data should be available to the widest possible readership, so it could be used for a variety of purposes. The data should be easy to use and access via the Internet[6].

Open data maturity levels: assessment of data disclosure allowing to describe the qualitative aspects of data accessibility, automatic scan and re-use possibilities. The open data maturity level (from the lowest to the highest) is determined by the following five-star scheme[7]:

- 1 star: the content is published to the Web (in any format) under an open license.
- 2 stars: the content is available in the form of structured data (e.g., *Excel* rather than scanned data).

[1] Feasibility study to define the architectural model of the open data initiative implementation in Lithuania, ISDC, 2015.

[2] Ibid.

[3] Recommendations for Disclosure of the Public Sector Data approved by Resolution No. 3-245(1.5E) of the Lithuanian Minister of Transport and Communications of 20/07/2016, p. 3.1 and 4.

[4] In 2005, established by *Open Knowledge Foundation*; access via: http://opendefinition.org/od/index.html.

[5] The European Commission Report No. 2014/C 241/01 Guidelines for Calculation of Recommended Standard Licences, Data Sets and Remuneration for Re-Use of Documents, 24/07/2014.

[6] Feasibility study to define the architectural model of the open data initiative implementation in Lithuania, ISDC, 2015.

[7] Ibid.

- 3 stars: open formats are used (e.g., *CSV*, but not *Excel*).
- 4 stars: the URI elements are used for marking, i.e. in order to enable links to the data.
- 5 stars: the data available is linked to other data, thus providing more information.

Directive: Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information.

Document: information or part thereof recorded in the activity of an institution information, regardless of the presentation type, form and media, including register data, register information, documents submitted to the register and (or) copies thereof, and public information system data[8].

Documentation (digital) set: the entirety of documents compiled by means of information technology and methodically systematized, including their descriptive data (metadata)[9].

Data: information that can be processed automatically or by humans[10]. The information processed is expressed via data. After submitting such data to the computer, the results will be of the same nature as the data submitted. This way, one data is obtained from another data[11].

Data disclosure: the entirety of organisational, technical, social, economic, and legal measures designed to disclose data.

OECD (EBPO): Organisation for Economic Co-operation and Development.

Information: knowledge public or municipal authority or institution has at its disposal[12]. Information: assets, which (as any other important assets of the organisation) have fundamental significance to the organization's activities. Information may take various forms, e.g., be printed or written on paper, stored electronically, transmitted by mail or electronic means, shown in movies or told during conversation[13].

List of Information Files (LIF, IRS): a list of information about the information files managed by public and municipal authorities and institutions, data stored in the information files, and access opportunities gathered in one place. The list describes all information files electronically managed by institutions. The information file description data is shaped and recorded in the LIF database by persons authorized by heads of institutions[14].

ISDC (IVPK): Information Society Development Committee under the Ministry of Transport and Communications.

Re-use: persons and entities using information for commercial or non-commercial purposes[15]; use of contents not in accordance with its original purpose[16]. Re-use of a document is viewed as

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8 The Amendment Law No. XII-2666 of 11/10/2016 to the Law of the Republic of Lithuania No. VIII-1524 on the Right to Receive Information from Public and Municipal Authorities and Institutions.

9 Ibid.

10 V. Valiukėnas, R. Sabaliauskaitė, J. Gabijūnienė. Explanatory Glossary of Telecommunication Terms. Vilnius: Lietuvos telekomas, 2004.

11 V. Dagienė, G. Grigas, T. Jevsikova. Encyclopaedic Dictionary of Computing. Institute of Mathematics and Informatics. Vilnius: TEV, 2008.

12 The Amendment Law No. XII-2666 of 11/10/2016 to the Law of the Republic of Lithuania No. VIII-1524 on the Right to Receive Information from Public and Municipal Authorities and Institutions, Art. 3, p. 2.

13 Cobit 5. Organization's Methodology for IT Management and Governance. Annex H. Glossary.

14 Provisions of the List of Information Files approved by Resolution No. No. T-65 of the Director of the Information Society Development Committee under the Government of the Republic of Lithuania of 12/07/2016.

15 Law of the Republic of Lithuania on the Management of Public Information Resources, 15/12/2011, No. XI-1807.

16 Accessed via: http://opendatahandbook.org/glossary/lt/.

applicants' and/or their representatives' use of documents for commercial or non-commercial purposes, which are different from the primary objective of the document preparation in the context of a public function. The exchange of documents between institutions when rendering public or administrative services or performing other public functions shall not count as re-use of documents[17].

Portal: public information system for systematising document sets and their metadata and publishing a uniform metadata description format as well as searching for and receiving document sets and their metadata drawn by institutions using the single-window principle and rendering related services[18].

Marginal costs: a method for calculating costs of document reproduction,[19] submission and distribution recommended by the European Committee, which in economic terms means the difference resulting from one additional unit.

LRRI (TGIĮ): the Law of the Republic of Lithuania No. VIII-1524 on the Right to Receive Information from Public and Municipal Authorities and Institutions of 11/01/2000[20].

URI: Uniform Resource Identifier.

LMPIR (VIIVĮ): the Law of the Republic of Lithuania on the Management of Public Information Resources, 15/12/2011, No. XI-1807, Art. 14..

Other definitions and abbreviations used herein are viewed as defined by the Law of the Republic of Lithuania on the Management of Public Information Resources and the Law of the Republic of Lithuania on the Right to Receive Information from Public and Municipal Authorities and Institutions.

[17] The Amendment Law No. XII-2666 of 11/10/2016 to the Law of the Republic of Lithuania No. VIII-1524 on the Right to Receive Information from Public and Municipal Authorities and Institutions.

[18] Ibid.

[19] The European Commission Report No. 2014/C 241/01 Guidelines for Calculation of Recommended Standard Licences, Data Sets and Remuneration for Re-Use of Documents, 24/07/2014.

[20] Changes made during the audit period: The Amendment Law No. XII-2666 of 11/10/2016 to the Law of the Republic of Lithuania No. VIII-1524 on the Right to Receive Information from Public and Municipal Authorities and Institutions

SUMMARY

When discharging their functions, the public sector institutions collect and manage data relating to various areas of life, which is constantly renewed and expanded, ensuring its integrity, relevance and safety, data exchanges between institutions[21]. In accordance with the documents governing the open data initiatives (in 2003, the European Union adopted a directive that was updated in 2013), all the data managed by authorities and institutions should be disclosed,[22] creating added value, i.e. socio-economic benefits for the public. The public sector authorities and institutions should publish data in open formats, raw and unprocessed, applying the standard open license, so that the data would be more accessible and more efficiently used. Priority disclosure of the most demanded data sets (geographic and spatial information, Earth observation, environment, transport, statistical, and company data) is recommended. The exception should apply to restricted–use data (due to national security and defence), personal data, and commercial confidentiality or intellectual property rights.

Since 2003, the EU promotes data re-use. By 2015, the EU obligated to create conditions and ensure the disclosure of public sector data. The EU studies show [23] that the EU Member States' profit from open data was 28 billion euros in 2008, and 32 billion euros in 2010. Studies show that in Lithuania available and actively used open data could help creating the benefit amounting to nearly 2 percent of the country's GDP[24]. In addition, open data has a positive impact on the efficiency and transparency of the public sector, daily lives of the country's citizens, and development of innovations and the country's economy.

The Lithuania 2030 strategy aims to promote an open and authorizing management[25]. After joining the Open Government Partnership Initiative,[26]in 2012 Lithuania declared its aim – disclosure of public sector data. Therefore, it had to add the updated directive provisions to the legal framework before July 2015, but the planned work was delayed or suspended. In order to create favourable conditions for locating and obtaining information accumulated by institutions as well as using it for commercial and non-commercial purposes, starting from 2012, the Seimas and the Government submitted proposals regarding the measures that should facilitate the disclosure of data.

The major participants of the open data policy shaping process are as follows:

- The Ministry of Transport and Communications that shapes the information society development policy and is responsible for the implementation of the Government's priorities related to the disclosure of public sector data;
- The Information Society Development Committee that implements the information society development policy and coordinates the creation of information technology tools allowing to use the State's information resources. In 2005, the Committee added the directive's provisions to the Lithuanian legislation. Since 2007, the Committee conducts data disclosure

[21] 330 objects were registered in the Register of Registers and Information Systems (registrai.lt; as of September 2016.).

[22] Feasibility study to define the architectural model of the open data initiative implementation in Lithuania, ISDC, 2015.

[23] *G. Vickery, Information Economics, Review of recent studies on PSI re-use and related market developments*, 2011.

[24] *S. Buchholtz, M. Bukowski, A. Śniegocki. Big and open data in Europe. A growth engine or a missed opportunity?; The Warsaw Institute for Economic Studies (WISE Institute), 2014 Jan 28.*

[25] *OECD (2015), Lithuania: Fostering Open and Inclusive Policy Making.*

[26] Accessed via: https://lrvk.lrv.lt/lt/apie-vyriausybes-kanceliarija/vykdomi-projektai/atviros-vyriausybes-partneryste.

studies, prepares and coordinates relevant draft legislation.

The Open Data Initiative is implemented by public sector institutions, which should create favourable conditions for persons and entities to re-use the information available, regardless of objectives and the legal form of legitimate activities of the said persons and entities[27]. Since 2006, the information of these institutions about the data sets available can be found in the List of Information Files (http://opendata.gov.lt).

Studies conducted by the EU in 2015 showed that Lithuania was 24th country in the EU according to the open data indicators[28], and is currently classified as a beginner in this field.[29]. Feasibility studies conducted in 2013 and 2015 revealed that maturity of open public sector data in Lithuania is on the first level out of the five possible levels[30], i.e. within the last three years the situation in the field of open data has not improved.

In 2015, the OECD experts noted that Lithuania possesses the elements required to disclose data (such as catalogue of e-services, data disclosure plans and IS register), but lacks a strategic approach to co-operation between individual (and most often non-coordinated) elements to create a modern, open, reactive, and data-driven public sector. The majority of institutions of the public sector believe that their data is not really needed or completely uninteresting to the public. The examples of use of the data available according to a new purpose show that such data may improve public services, increase accountability of the public sector's activities, and improve cooperation between the Government and the public.[31].

The purpose of the audit was to assess whether the public sector data has been disclosed to the public and business. The results achieved were assessed by answering the following questions:

- Is the data disclosure policy is efficiently shaped and implemented?
- Is legal regulation of data disclosure sufficient?
- Was an appropriate technological environment created for data disclosure?
- Are the public sector institutions ready to disclose their data?

The audit covered the period from 2011 through to the second quarter of 2016. For assessment to be detailed and grounded, in some cases, data from earlier period related to changes in the public sector data management was analysed. Subsequent periods of activity were analysed as much as they are related to the data disclosure decisions made up to the end of the auditing procedure and their implementation.

The subjects of this audit were: the Ministry of Transport and Communications, the Ministry of Justice, the Ministry of Agriculture, and Information Society Development Committee under the Ministry of Transport and Communications. We based our conclusions on data collected from the Information Society Department of the Government Office, Vilnius City Municipality, the Research Council of Lithuania, the Ministry of Agriculture, and the Ministry of the Interior. In addition, we co-operated with the Public Institution Transparency International Lithuanian Chapter, the Public Institution Versli Lietuva, INFOBALT Association, and other specialists that participated in the data disclosure initiatives.

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[27] Law of the Republic of Lithuania on the Management of Public Information Resources, 15/12/2011, No. XI-1807.

[28] Data of the EU survey of 2015; accessed via: http://ec.europa.eu/digital-agenda/en/scoreboard/lithuania.

[29] The study commissioned by the European Commission: *Open Data Maturity in Europe 2015, Insights into the European state of play.*

[30] 73 percent of the public sector authorities and institutions publish their data in closed formats (such as HTML and PDF). Feasibility study to define the architectural model of the open data initiative implementation in Lithuania, ISDC, 2015.

[31] Accessed via: www.etalab.gouv.fr/dataconnexions.

During the audit, we used the priority areas[32], in which data disclosure was recommended, to select and interview 19 public sector institutions. We examined legislation and other documents related to re-use of information and management of open data. We analysed functions and co-operation of authorities and institutions shaping and implementing the policy in this field as well as other bodies involved in this field, data of studies and researches conducted by both Lithuania and the EU, and data disclosure practice of foreign countries.

Although the Open Government Initiatives contributed to the data disclosure, there was little progress. For five years, Lithuania has been declaring in its planning documents the desire to disclose the public sector data, but has failed to reach planned results, because of its lack of long-term directions for the data disclosure development. We discovered that a lot of work has been done since 2012 to create a centralized access to the public sector data and add the updated directive provisions to Lithuania's legal framework, but proposals submitted by the Seimas and the Government and significant to data disclosure (e.g., creation of an open license, inventory of data managed, etc.) have not been implemented on time. As a result, implementation of these measures has also been delayed.

Over three years, the Ministry of Transport and Communications failed to prepare a plan of data disclosure measures that would connect and mobilize the public sector data disclosure-related actions, thereby contributing to better results. There are no dates of public sector data disclosure for specific areas, and public sector institutions are not prepared to disclose their data, because they know too little about the ways and benefits of such disclosure. Only a small fraction (1.7 percent) of public sector institutions publish information on available data sets in the List of Information Files. Therefore, we still do not know how many and what kind of data the public sector actually possesses and what data was disclosed. As a result, the public and business do not have the possibility to use this data and create added value.

The Open Government's aims to ensure transparency and openness of public sector must become concrete work done and reflect the disclosure progress. To enhance transparency of activities of public sector institutions and obtain economic benefits as well as provide the public with the public sector data to be used more efficiently, we recommended the Government and the Ministry of Transport and Communications to ensure the establishment of long-term directions for the data disclosure, prepare the necessary requirements and detailed plans, thus securing implementation of progress work under the Lithuania 2030 strategy.

The data disclosure management structure should allow for faster implementation of open data initiatives, and the use of data managed by public sector institutions should not be limited by the data provision price. Disclosing the public sector data and presenting it in suitable formats will help creating added value and economic benefits for Lithuania more quickly. If the places of storage of most relevant data would be known and easily accessible, each person and entity would be able to reap benefits from disclosure of the public sector data.

The following public audit conclusions and recommendations were drawn up upon the assessment of the audit findings.

[32] Open Data Charter; accessed via: https://www.gov.uk/government/publications/open-data-charter/g8-open-data-charter-and-technical-annex.

CONCLUSIONS

1. For five years, Lithuania has been declaring its desire to disclose public data, but has failed to reach clear progress and planned results, because:
    1.1. No targeted state policy was created when planning the data disclosure development. As a result, the national data disclosure initiative has been developed without a clear vision and top management commitment regarding disclosure principles and priorities for five years. So far, no data disclosure funding model has been introduced, which would affect the remuneration charged for the provision of data (Subsection 1.1, p. 16);
    1.2. Although the Open Government Initiatives contributed to the data disclosure, both the Government and other responsible institutions failed to carry out more than half of the planned most important work related to data disclosure (53 percent of measures have not been implemented). The sequence of Lithuania's actions related to the data disclosure planning shows that the data disclosure measures are being planned too late and are too fragmented, so resolving old problems in this field will require extra time and money. There is still no plan of data disclosure measures, which could help distributing these measures among the public sector institutions within a short period of time (Subsection 1.2, p. 17);
    1.3. The monitoring carried out does not reflect the impact and progress of data disclosure, and indicators used do not reflect the scale and direction of changes in this field (Subsection 1.3, p. 21).
2. Lithuania delayed implementation of its obligations to the EU for one year. As a result, there is no starting point and necessary public sector data management requirements, bringing further disclosure work to standstill. In addition, no conditions for efficient disclosure of the public sector data were ensured:
    2.1. The updated directive provisions were not added to the legal framework of the Republic of Lithuania in a timely manner, methodological requirements are incomplete. As a result, institutions are not ready to disclose their data (Subsection 2.1, p. 23);
    2.2. The currently applied regulation and pricing practices allow for exceptions and do not encourage the data disclosure. The absence of breakthrough in the field of data disclosure is also due to the fact that the data provision prices remained unadjusted for 6 to 11 years, and data managers not only recover their costs, but also include unrelated costs in the data provision price (Subsection 2.2, p. 24).
3. No efficient data disclosure management structure has been created, and so far activities of participants of the data disclosure process have failed to deliver a push in the disclosure of the public sector data:
    3.1. There are no persons co-ordinating the data disclosure process in the public sector institutions and nationwide, and the process objectives cannot be implemented without a pro-active host. In October 2016, responsibilities for the data disclosure policy shaping and implementation were established by the legislation. These amendments should enter into force in 2017. Also, the limits of responsibilities of participant institutions should be coordinated and the established supervisory mechanisms should be adjusted (ineffective monitoring of calculation of the size of remuneration for provision of data) (Subsection 3.1, p. 28.);
    3.2. Public initiatives brought together data disclosure enthusiasts and attracted experts. However, there was no continuity and impact when shaping the data disclosure policy.

The potential available (i.e. experts' knowledge and experience) remains unused when developing and implementing the data disclosure policy. As a result, the need for and priorities of data disclosure have not been established (Subsection 3.2, p. 30).

4. Public sector institutions are not prepared to disclose their data. Therefore, the exact scope of data disclosure remains unknown and the progress objectives defined by the State cannot be achieved. So far, little is known about the data disclosure methods and benefits. As a result, institutions fear that undisclosed or misleading information may become public. They also lack training. The data disclosure initiatives are carried out inconsistently in the public sector institutions (95 percent of institutions managing the priority data of the public sector data had not conducted their inventory; 74 percent of institutions does not analyse the needs of external users) (Subsection 3.3, p. 32).
5. Tangible (real) results of disclosure of the public sector data shall only be available from 2019 at the earliest, when an open data portal is created, because the List of Information Files that has been active for nine years fails to create conditions for proper use of the data published. As a result, information of insufficient quality (irrelevant, inappropriate links, closed formats) and scope (only 1.74 percent of institutions submit data to the List of Information Files) reaches the public (Section 4, p. 34).

RECOMMENDATIONS

To the Government of the Republic of Lithuania

1. In order to ensure consistent implementation of the Lithuania 2030 strategy progress work (aspirations):
   1.1. shaping the strategic framework of data disclosure (vision, mission, disclosure principles, goals, priorities, and objectives) (Conclusion 1.1);
   1.2. approving the detailed data disclosure implementation plan with short term priorities, participants, measures, and results specified therein, establishing the assessment criteria that will allow a better assessment of the disclosure progress and impact when planning the data disclosure-related tasks for future periods (Conclusion 1.2).
2. In order to harmoniously shape and implement the data disclosure policy, determining the need for and priorities of data disclosure:
   2.1. adjusting the limits of responsibilities during coordination of disclosure of data of the Ministry of Transport and Communications, the Ministry of Agriculture and the Ministry of Education and Science;
   2.2. determining the responsibility for the policy implementation and identifying the functions of the Ministry of Economy, the Ministry of the Interior and the Ministry of Justice as well as the Chief Representative and institution data management representatives in the field of data disclosure;
   2.3. including public sector experts and experts of non-governmental interested parties in the shaping and implementation of the data disclosure;
   2.4. ensuring monitoring of remuneration for provision of data (Conclusion 3).

3. In order to ensure a sufficient scope of data disclosure, efficiently using the technological infrastructure available and ensuring that the public experiences the benefits of data disclosure as soon as possible (before the creation of the open data portal):
   3.1. establishing terms and requirements for the public sector entities: when the existing data inventory should be conducted and its results should be submitted;
   3.2. after conducting inventory of undisclosed priority public sector data, committing to publish them in open formats, providing the possibility to transfer them to the data disclosure portal that is being created(Conclusions 1.2, 4 and 5).
4. In order to ensure a targeted funding of data disclosure, unrestricted regulation and promotion of the public sector data disclosure:
   4.1. after assessing the impact and benefits of free provision of the public sector data, establishing the funding (licensing) model that would define the principle of charging remuneration for the provision of the public sector data most suitable for Lithuania, and ensure the grounds for compensation for costs, when data is provided free of charge;
   4.2. reviewing the procedure for calculating the remuneration for provision of data and establishing transparent and objective criteria for calculation of compensation for provision of data to properly calculate the data provision-related costs and revenues;
   4.3. ensuring periodic review and adjustment of the size of remuneration charged for provision of data, taking into consideration the actual situation (Conclusions 1.1 and 2.2).

To the Ministry of Transport and Communications

5. In order to ensure consistent implementation of the Lithuania 2030 strategy progress work (aspirations), establish the data disclosure assessment and monitoring system recording the annual progress in this area and impact of the short-term goals achieved, which shall be also assessed by independent experts (Conclusion 1.3).
6. For a set of data disclosure requirements to be comprehensive in their coverage, contain no restrictions and comply with international good practices of the field management:
   6.1. preparing the legislation required for data disclosure (creating and licensing data files, remuneration charged for provision of data, data submission to the portal, etc.);
   6.2. incorporating clarifications into recommendations, i.e. providing a detailed description of the data disclosure process and necessary stages, which ensure the quality disclosure (Conclusion 2.1).
7. In order to ensure that public sector authorities and institutions are ready for disclosure of their data as well as ensure the proper practical application of legislation and methodological requirements in this field, organise training for the institutions with the most demanded data sets (including municipal institutions) to improve their knowledge about open data and its benefits (Conclusion 4).
8. In order to manage the data disclosure demand and supply processes more effectively and not to repeat the technical infrastructure creation-related errors when creating a new technological data disclosure solution (portal), indicating in the technical specification that feedback, disclosure quality (quantity) improvement, inventory, and monitoring functions recommended by good practices shall be introduced (Conclusion 5).

To the Information Society Development Committee under the Ministry of Transport and Communications

9. In order to make more efficient use of the technological infrastructure available as well as ensure that the public experiences the benefits of data disclosure as soon as possible (before the creation of the open data portal), ensuring continuous quality control of data added to the List of Information Files (Conclusion 5).

Measures and time frames for the implementation of the recommendations are presented in Annex 1, Plan for Implementing Recommendations.