TROPICO

Transforming into Open, Innovative and Collaborative Governments

CODES OF COLLABORATION REPORT

Work Package 2 – Deliverable 2.2

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Chapter 1: Introduction

This report on codes of collaboration constitutes deliverable D2.2 in the TROPICO project (Transforming into Open, Innovative and Collaborative Governments). TROPICO comparatively examines how public administrations are transformed to enhance collaboration in policy design and service delivery, and to advance the participation of public, private and societal actors. The project analyses collaboration in and by governments, with a special emphasis on the use of information and communication technologies (ICT), and its consequences.

The present report is the second produced by work package (WP) 2. WP2 is focused on the institutional conditions shaping collaboration in and by governments within the context of reform trajectories. It runs in parallel with WP3, which researches the transformations of individual drivers and barriers of collaboration and precedes later WPs that will carry out empirical research on policy design and public service delivery within the context of internal and external collaboration (WP4 – WP7), and WPs that will look into the effects of collaboration on legitimacy, accountability and government efficiency (WP8 – WP9).

A key task of WP2 was to map the "Codes of collaboration" in Belgium, Denmark, Estonia, France, Germany, Hungary, the Netherlands, Norway, Spain and the UK as codified in the countries' constitutions, laws, and statutory instruments. In addition, the mapping consisted of existing formal regulations or other rules and guidelines for data protection and data sharing, as well as "freedom of information" regulations and frameworks. Another key task for WP2 is to provide a comparative meta-analysis of these regulatory/legal frameworks in the ten countries, identifying similarities and differences regarding status, scope, content and changes over time (TROPICO deliverable D2.3). The collection of documents in D2.2. and the following comparison in D2.3 is crucial since such laws and regulations underpin the functioning of the state, and as such can be expected to structure collaboration within the public administration, as well as between the government and private actors, voluntary organisations, and citizens,. The behaviour and choices of individual actors within these organizations are in this understanding enabled, encouraged or constrained by such legal frameworks and administrative guidelines.

The D2.2 report is a collection of codes of collaboration and provides short summaries of the key sources from the 10 countries in the form of information on constitutions, laws and statutory instruments, administrative guidelines and relevant policy papers.

A literature and report review on collaborative governance (TROPICO deliverable D2.1) found that laws and regulatory/legal texts have been almost absent from most of the research on this topic. Incorporation of the legal frameworks in research on collaborative governance has mainly been done in the US (see Amsler 2016 and Bingham and O'Leary 2015). The US scholarship starts from cataloguing the laws that deal with collaboration on the federal level. To the best of our knowledge, a similar exercise has not been carried out in the European context. This deliverable thus makes a contribution to the academic and policy literature in two ways. First, it provides an overview of the legal frameworks pertaining to collaboration in 10 European countries, which in itself is novel. Second, the scope of this document (covering 10 countries) will enable the project to provide a more in-depth comparative analysis that follows in deliverable D2.3 as opposed to the national focus of existing research and literature.

The information collected for this report does not allow us to draw conclusions about how collaboration is practiced, or the extent to which collaboration is implemented in the ten countries. The codes of collaboration constitute an important framework for actors within and relating to the public sector, but how these frameworks are practiced, the extent to which they are implemented and/or impact on governmental activities is outside the scope of the WP (research on collaboration practices and their effects on efficiency, accountability and legitimacy are examined further in other TROPICO WPs).

The countries included in the TROPICO research is based on a common classification of different public administrative traditions, which also frequently takes into account different legal traditions (Knill 1998; Painter and Peters 2010). This report is mainly a collection of legal documents, and therefore separates between a Common Law tradition, a Roman-French tradition, a Roman-Germanic tradition and a Roman-Scandinavian tradition (Yesilkagit 2010; Reynolds and Flores 1989; La Porta et al. 1999; La Porta et al. 2008; Kuhlman and Wollmann 2014) with a Central and

Eastern European (or post-communist) tradition added separately (Meyer-Sahling and Yesilkagit 2011). The Central and Eastern European tradition is normally assumed to be a variant of the Roman-Germanic tradition modified by legacies of communism. Thus, our report investigates collaborative governance across five European legal traditions represented by ten European countries: Common Law (UK), Roman-Scandinavian (Denmark and Norway), Roman-French/Napoleonic (France and Spain), Roman-Germanic/Continental (Belgium (mixed), Germany, and the Netherlands), and Central/Eastern European (Estonia and Hungary).

The codes of collaboration collected for D2.2 were selected with the help of the TROPICO partners acting as country experts (see list of contributors on page 2). The selection of laws and documents and accompanying descriptions were based on a template circulated to the partners by the WP2 team (see Annex 1).

Chapter 2: Methodology

The country experts were requested to collect documents that broadly dealt with collaboration in their own country. Guidance was given to primarily select documents that were in force as of early 2018, but seminal texts introduced in the past could also be included if the expert deemed this important for understanding the national context. In the TROPICO project, collaborative governance is understood as "a relationship between organizational actors established to achieve distinct objectives, most notably in formulating government policies or delivering public services, for which different means are applied that can be distinguished regarding their scope, formality, and intensity" (TROPICO Grant Agreement No. 726840, Annex 1 part B, p. 8). Collaborative arrangements may also involve citizens. Institutions can be understood as both formal rules and informal norms, values and worldviews. The focus in this report is on the former, i.e. the formal rules, and in particular codified legal rules, regulations, instructions and guidelines.

The report investigates collaboration as taking place across two dimensions: Internal collaboration within government and external collaboration with actors outside the governmental sector. Hence, the country experts were asked to identify texts pertaining to

internal and external collaboration in the laws and documents selected. The country experts were in particular asked to comment on:

1) Relevant parts of the country constitution;
2) Laws on the legislative process, particularly as regards to provisions on the requirement to seek external input, as part of the legislative process;
3) Regulations of working procedures and internal structures in government;
4) Codes of Conduct or similar guidelines for overall civil service or the central government;
5) Best practice codified collaboration not included in the above categories.

The experts were asked to collect and compile documents that relate to data sharing, data protection and freedom of information, with a focus on currently valid laws, rules and guidelines affecting how the government can share data/information among its different units (internal collaboration) and with interest/civil society organizations and the citizens (external collaboration). The experts were also provided with sample texts from Estonia, Germany, Spain, and the UK and were given guidance to what aspects to look for (see Annex 1). In addition to providing information on how internal and/or external collaboration appeared in the text, the experts were asked to search for specific tools or forms of collaboration mentioned in the texts. The content of the reports from the country teams resulted in a pool of document descriptions of the collected documents. The distribution of the country reports is shown in table 1.

Table 1: Distribution of documents across traditions

Tradition	Country	Constitution	Law	Administra-tive instructions & regulations	Agreement & treaties	Guidelines/ policy papers	Data protection/ freedom of information
Common law	United Kingdom		2			7	2
Roman-Scandinavian	Denmark		3			2	1
	Norway	1	3	2		3	4
Roman-French (Napoleonic)	France			4		5	2
	Spain	1	5	1		1	5
---	Belgium*	1	4	5	1	4	11
Roman-Germanic (Continental)	Germany	1	1	1	2		4
	Netherlands		2			2	4
Central/Eastern Europe	Estonia	1	1	3		2	2
	Hungary	1	3	3		3	2

Note: The two key constituents of the Belgian federal state can be interpreted to belong to different traditions, Roman-French and Roman-Germanic. The special categorisation of Belgium is due to the inclusion of several Flemish documents in the country report (in addition to the federal level of Belgium).

The collection reflects the expert's selection of what they considered the most important sources in the given country. Since many of the source documents were only available in the given national language, the lead authors of the report (CPS CEU) were not able to read or assess all the original documents. It is possible that the country experts may have interpreted the notion of collaboration (and/or the template) in different ways and that the selected texts therefore are not completely comparable. However, widely differing interpretations seem unlikely given that the country teams share the TROPICO framework as a common frame of reference. Moreover, a first draft of the report was circulated to ask the country experts to confirm the accuracy of their contributions.

The collection of codes of collaboration in this report is intended as a resource for policymakers and researchers, and will therefore be made available in easily accessible format on the TROPICO website.

Chapter 3: Initial comparative findings

The short comparative analysis of the codes of collaboration presented in the following is elaborated further in a TROPICO research report (deliverable D2.3). The initial findings highlight that collaboration is relatively under-regulated in most of the European countries studied. In many countries, the constitution provides the highest level of legal requirement for collaboration, but often this is stated at a very general level. The principle of collaboration is expressed, for instance, by the requirement for different branches of government to cooperate in delivering the state's objectives (internal collaboration). Collaboration with societal partners or citizens is often framed as a principle for seeking public input, or it can be inferred from the notion of popular sovereignty. The common law tradition, as opposed to civil/roman law tradition, focuses more on judicial than legislative decisions for rule-making. The UK has the least codified law and no written constitution, and collaboration is therefore not expressed as a constitutional principle as is commonly the case in the other countries. The devolved UK governments are the main sources of legal requirements for collaboration. In the federal countries in the study (Germany and Belgium) collaboration is often expressed as a need for different levels of government to work together and the collaboration is regulated in terms of division of competences.

To the extent that collaboration is prescribed by law, the collected documents typically include the law on the civil service, such as the Estonian Civil Service Act RT I of 06.07.2012; or the legal framework on the organisation of government or administrative procedures, such as the Spanish Law 50/1997 of November 27 on the Government or the Norwegian Public Administration Act of 1967; and laws on the legislative process, such as the Hungarian Act CXXX of 2010 on the Adoption of Legislation. Especially the latter two types may contain specific provisions on how citizens and particular types of organisations can provide input into policy-making, as well as provisions on the forums within the public administration where draft legislation is to be reviewed by all relevant actors within central government (ministries). These laws also mention digital platforms where draft legislation needs to be published/placed for comments, although e-governance and digitalization may also be subject of separate legislation, like the German Act to Promote Electronic Government of 2013 and the French 2015 Law for a digital Republic.

To a significant degree, collaboration is regulated by administrative orders or guidelines. Typical sources include the code of ethics, code of conduct of the civil service, or codes of good governance. Some of them have legal effect, like the French 2016 Code establishing the relations between the public and public administration. Others primarily offer expectations on standard behaviour, for instance the Dutch Code for Good Public Governance: principles of proper public administration and the UK Code of ethics for civil servants of the federal government.

Some codes remain on a relatively general level, stating the principle of collaboration without going into specific requirements. The bulk of practical information and specific requirements for collaboration are often contained in guidelines, and are often not applicable to the whole of the government sector. This can result in a situation where, even within a specific country, the requirements for collaboration – or indeed the degree to which collaboration is codified – may vary significantly from sector to sector.

The diversity of the documents that was collected by the experts of the TROPICO partner institutions indicate that collaborative governance has different connotations across the ten countries, and experts/researchers make decisions on what is important in the light of these. As mentioned, in federal countries collaboration within government is tied in with the organisation of the state on different levels, and is thus primarily expressed in a vertical dimension of internal collaboration. In other countries, such as Estonia and France, collaborative governance seems to be more salient in a horizontal dimension of external collaboration, in terms of working together with citizens or social partners, and is strongly tied with digitalisation and e-government. In this respect, a client-orientation, wishing to serve citizens more effectively, has also been detected. This divergence is to some extent tied to administrative and the legal traditions, but more specific national characteristics may also be important.

Chapter 4: Tradition: Common law

United Kingdom

Table 2: Overview of the selected texts from the UK

National Laws
Government of Wales Act 2006
Local Government Act 2000 Part III
Guidelines/policy papers
Consultation Principles 2016
Ministerial Code 2018
Scottish Ministerial Code 2018
Central-Local Concordat 2007
Structures for Collaboration and Shared Services: Technical Notes
Structures for Service Delivery Partnerships - Technical Notes
Guidance on public-public contracts 2016
Data Protection, Data Sharing and Freedom of information documents
Freedom of Information Act (FoI) 2000
Data Protection Act 1998

National Laws

Government of Wales Act 2006

The Act requires the Welsh Ministers to establish a Partnership Council for Wales whose members, to be appointed by the Welsh Ministers, are to comprise Welsh Ministers (or Deputy Welsh Ministers) and members of local authorities (including national park authorities, police authorities, fire and rescue authorities and other authorities that may be added by order) in Wales. Before appointing local authority members the Welsh Ministers will be required to consult appropriate local government associations. The Partnership Council for Wales is chaired by the Cabinet Secretary for Finance and Local Government. The function of the Council is to advise the Welsh Ministers on matters affecting their functions, to make representations on matters affecting, or of concern to, those involved in local government in Wales and to give advice to those involved in local government in Wales. The Act also requires the Welsh Ministers to introduce a scheme ("the local government scheme") setting out how they propose, in the exercise of their functions, to consider the interests of local government in all aspects of its work and to sustain and promote local government in Wales, and has two sub-groups. Welsh Ministers must take into consideration any advice that has been given, and any representations that have been made to them by the Partnership Council for Wales.

Local Government Act 2000 Part III

The Act makes provision with respect to the functions and procedures of local authorities and provision with respect to local authority elections, grants and housing benefit in respect of certain welfare services, amendment of section 29 of the Children Act 1989, and for connected purposes. Section 49 of the Act places a duty on the Secretary of State and the National Assembly for Wales to consult various bodies in developing the general principles of conduct. These include representatives of relevant authorities, the Audit Commission and the Commissions for Local Administration in England and Wales (the local Government Ombudsmen). Among other things, part III of the Act establishes a new ethical framework for local government. This includes the introduction of statutory codes of conduct, with a requirement for every council to adopt a code covering the behaviour of elected members and of officers, and the creation of a standards committee for each authority. Various aspects of these codes has bearing on collaboration and coordination, for instance the duty upon all relevant authorities - except parish councils or community councils – to establish a standards committee. After a mounting backlog in dealing with cases through this system, the government decentralized arrangements in 2008 by giving the prime role of handling complaints to local standards committees in councils (rather than the national body). The coalition government introduced the Localism Act (2011) that abolished the ethical framework (including the Standards Board) on 1 April 2012.

Guidelines/policy papers

Consultation Principles 2016

The document focuses upon external engagement/collaboration. The principles give clear guidance to government departments on conducting external consultations and demonstrate the government's desire to engage more effectively with the public. The engagement is often centred on policy development and/or efforts to agree a way forward for the policy. Consultations are also a good way for departments to publicise an issue and demonstrate that they are open to ideas and discussion. The 2016 principles include recommendations with relation to purpose, length, response and mode (consideration of digital tools). Moreover, consultations should be clear and concise, informative, only part of a process of engagement, and targeted. They should take account of the groups being consulted and facilitate scrutiny. The UK government's Consultation Principles do not have legal force.

Ministerial Code 2018

The Ministerial Code sets out the standards of behaviour expected from all those who serve in government. It sets out their duty to comply with the law and to protect the integrity of public life. Ministers are expected to observe the "Seven Principles of Public Life": Selflessness, integrity, objectivity, accountability, openness, honesty, leadership (called informally the 'Nolan Principles'). Internal collaboration appears in the discussion on how Ministers should behave within their department (section 4) and on how Ministers and Civil Servants should work together (section 5). External collaboration is indirectly dealt with in that decisions should not be influenced by inappropriate contacts with the private business sector and conflict of interests should be avoided. Principle of collective responsibility requires that Ministers should be able to express

their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees, including in correspondence, should be maintained. The business of the Cabinet and Ministerial Committees consists in the main of: 1) Questions which significantly engage the collective responsibility of the government because they raise major issues of policy or because they are of critical importance to the public and 2) Questions on which there is an unresolved argument between departments.

Scottish Ministerial Code 2018

This (revised) Ministerial Code sets guidelines for living up to the "Seven Principles of Public Life: Selflessness, integrity, objectivity, accountability, openness, honesty and leadership. As in the UK code, Scottish ministers should follow a number of general principles of Ministerial conduct. Internal collaboration appears in the text as the way Ministers should behave with civil servants. Regarding external collaboration, Chapter 4 outlines how Ministers should behave with contacts with External Individuals and Organisations, including Outside Interest Groups and Lobbyists. For example, "private Offices should arrange for the basic facts of formal meetings between Ministers and outside interest groups to be recorded, setting out the reasons for the meeting, the names of those attending and the interests represented. A monthly list of engagements carried out by all Ministers is published three months in arrears" (p17). In 2008 an independent Panel was created to review any concerns. The Code is updated over time to reflect ongoing issues. The 2018 Code includes new sections on harassment, bullying and inappropriate behaviour, following complaints of a culture of harassment at both Holyrood (the site of the Scottish parliament) and Westminster (the site of the United Kingdom parliament).

Central-Local Concordat 2007

A concordat is an informal and flexible agreement to which both parties commit themselves. It is a non-binding "memorandum of understanding" between two parties. The relationship between central and local government in the UK is a long-standing issue and there have been calls for a concordat between the central and local government since 1994 as a result of an independent "Commission for Local Democracy". Formalising the relationship has been a central concern of the LGA (Local Government Association) since it was established in 1997. The concordat meets a commitment in the 'UK Government's Governance of Britain' Green Paper, published in July 2007. The Prime Minister at that time – Gordon Brown – expressed commitment to the concordat in a speech to the National Council for Voluntary Organisations (NCVO) on 3 September 2007. Starting from point no. 7, the concordat set the reciprocal rights and responsibilities within the relationship. The concordat commits the government to reducing unnecessary intervention and to work together with local government to give people a clearer understanding of what public money is spent in their area, and towards giving councils greater flexibility in their funding. It commits local government to provide strong leadership, to work with their partners and to collaborate in delivering national targets. It is explicit for the first time that

"there should be a presumption that powers are best exercised at the lowest effective and practical level". It spells out key priorities which central and local government will deliver together. This includes tackling anti-social behaviour and crime, delivering good local services, more opportunities for young people, promoting enterprise and how the two should work together.

Structures for Collaboration and Shared Services: Technical Notes

These technical notes were produced by the UK Central Government – Department for Communities and Local Government (DCLG) in 2006 to assist those in local government in England, and for potential public sector, voluntary and business partners to understand the various structures that might be used with a public sector partner. They reflect policy but should not be used as a substitute for professional advice. In addition, users need to be careful in ensuring that the notes reflect the current law and its interpretation. The document focuses upon external collaboration and how local government can collaborate in delivering services. It builds on practical knowledge and is aimed at helping practitioners to select the structure that best fits their needs. In summary it sets the landscape within which a local authority can provide services to another local authority or any other organisation or person by describing the various models available under current legislation (eight categories, e.g. franchise approaches, joint service deliveries, centralization, commercial trading), together with the characteristics of the model, whether there are tax implications etc., as well as the technical pros and cons of each model. It also includes information about how working with other public sector bodies for shared service delivery should be approached and links the structures to other government policies.

Structures for Service Delivery Partnerships - Technical Notes

These technical notes have been produced by the UK Central Government – Department for Communities and Local Government (DCLG) in 2006 to assist those in local government in England, and for potential public sector, voluntary and business partners to understand the various structures that might be used with a partner. They reflect policy and they should not be used as a substitute for professional advice. In addition, users need to be careful in ensuring that the notes reflect the current law and its interpretation. The notes deal with external collaboration and the purpose of these technical notes is to provide an overview of the principal alternative structures that can be used for service delivery partnerships. The Strategic Partnering Taskforce publication "Rethinking Service Delivery: From Vision to Outline Business Case" (ODPM 2003) identified the principal alternatives that local authorities can be expected for service delivery partnerships: In-house, public sector consortium, joint venture through companies and trading, partnering contracts and legal partnerships, outsourcing, disposal/closure. The structures that are suitable for service delivery partnerships are largely confined to those that can be classified under the following headings: Public sector consortiums, joint venture companies, partnerships, and partnering contracts. Outsourcing is an alternative and commonly used but it will not deliver a service delivery partnership unless in its operation it behaves as if it were a partnering contract. The technical notes do not consider the in-house operation or disposal/closure options.

Guidance on public-public contracts 2016

This document provides guidance on contracts between authorities *within* the public sector. It covers the new provisions concerning contracts between one public body and another public body, also referred to as "public-public" contracts. Some of these contracts are subject to the EU procurement rules. The guidance aims to codify, clarify and develop the case law on whether contracts between public bodies should be subject to the public procurement rules or not. Interpretation of the relevant EU case law of the European Court has varied, so leaving uncertainty as to whether, for instance, shared services arrangements between public bodies were excluded or not. The guidance covers external collaboration in that the new rules cover the circumstances where either vertical or horizontal contracts/arrangements fall outside the rules, set in the Public contracts between entities within the public sector (art. 12 of the Public contract regulation 2015).

Data Protection, Data Sharing and Freedom of information documents

Freedom of Information Act (FoI) 2000

The UK Government passed the Freedom of Information Act (FOI) in 2000. It received Royal Assent on 30 November 2000 and it was brought into full force in 2005. The introduction of the Act was a manifesto commitment of the Labour Party in the 1997 general election. The aim of the Act was to introduce a more open government based on mutual trust. Before its introduction, there had been no right of access to government by the general public, merely a limited voluntary framework for sharing information. The Act provides public access to information held by public authorities. It does this in two ways: 1) public authorities are obliged to publish certain information about their activities; 2) and members of the public are entitled to request information from public authorities. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings. The draft Act was the subject of much debate and criticism, but did not fundamentally change in the process before adoption. Tony Blair (the Prime Minister) who passed the Act later regarded the FoI as something he regrets introducing because it prevents frank conversations when discussing difficult decisions. However, in 2016, an Independent Commission produced a report on Freedom of Information concluded that, 'the Act is generally working well, and that it has been one of a number of measures that have helped to change the culture of the public sector. It has enhanced openness and transparency. The Commission considers that there is no evidence that the Act needs to be radically altered, or that the right of access to information needs to be restricted' (2016: 3). The Commission received over 30,000 written responses, with 29,334 coming via the website of 38 Degrees, an organisation campaigning for fairness and deepening democracy in the UK.

Data Protection Act 1998

The Data Protection Act 1998 follows the provisions of the EU Data Protection Directive 1995, and ensures the rights of individuals to have their personal details kept private, up-to-date and lawfully used. However, the development of Data Protection in the UK can be traced back to the

1970s with the publication of the Younger Report on Privacy (1972) and the Lindop Report on Data Protection (1978). The Conservative Government introduced a Data Protection Bill in 1982, which reached the statute book in July 1984 as the Data Protection Act (1984). The impetus for the government to introduce Data Protection legislation in the UK came with the publication of two international legal instruments: the OECD Guidelines in 1980 and the Council of Europe Convention in 1981. There has been some confusion amongst organisations over time about how to interpret and apply the Data Protection Act. For example, the law states that information should be kept "no longer than necessary" without giving any precise guidelines. The data user is therefore required to interpret the law and may often choose to err on the side of caution. While the principles under-pinning the legislation are clear, the Act was perceived as being complex. "Making sense of some of the detailed provisions is taxing even for those who are specialists in the field". The Court of Appeal judgment in the case of Durant considered the meaning of "personal data" in the Act. The Information Commissioner had to issue guidance on the interpretation of the term in the light of the judgment.

Chapter 5: Tradition: Roman-Scandinavian

Denmark

Table 3: Overview of the selected texts from Denmark

National Laws
The Planning Act (Planloven, LBK nr 50 af 19/01/2018) – *in Danish*
The Public Procurement Act (Udbudsloven, LOV nr 1564 af 15/12/2015 – *in Danish)*
The Public Administration Act (Forvaltningsloven – LBK no 433) – *in Danish*
Guidelines/policy papers
The path towards a new public policy (Vejen til en ny forvaltningspolitik) – *in Danish*
Proposal for coherence reform – The citizen first – a more coherent public sector (Oplæg til sammenhængsreform – Borgeren først – en mere sammenhængende offentlig sector) – *in Danish*
Data Protection, Data Sharing and Freedom of information documents
Law regards openness in the public administration (Offentlighedsloven, LOV nr 606 af 12/06/2013) – *in Danish*

National Laws

The Planning Act (Planloven, LBK nr 50 af 19/01/2018) – *in Danish*

The Planning Act was adopted in 1991 and consolidated a number of laws concerning the future use of land by public authorities. In relation to "codes of collaboration" the act designates rules of public consultation and citizen involvement, i.e. *external collaboration*. The act has subsequently been amended several times, the latest in 2017. It includes a right to object, which has been significantly used, while some have criticized the effects and quality of municipal participatory processes. The Act is not available in English.

The Public Procurement Act (Udbudsloven, LOV nr 1564 af 15/12/2015)

This national law from 2015 has two instruments of interest for external collaboration: Dialogue-based procurement (§§67-72) and Innovation partnerships (§§73-79). Danish Industries are generally positive about the effects of the law.

The Public Administration Act (Forvaltningsloven – LBK no 433) – *in Danish*

The Public Administration Act is from 1987. It regulates the casework procedures that are to be followed by the public administration, and applies to all activities conducted by public administrative agencies. The Public Administration Act regulates the case processing (when decisions are taken by the administrative agencies/public administration), and in particular the parties' rights during the proceedings. Internal collaboration appears indirectly in the text in relation to the sharing of information between administrative agencies (section 13 b). External collaboration appears both indirectly and directly in the text. Public authorities have the duty to provide guidance and assistance to persons who address the public authorities with questions

(Chapter 3) and they are required to justify decisions to involved parties (Chapter 6). Finally, public authorities are required to notice all affected parties (Chapter 5). The affected parties have the right to comment on the case and in particular on information that public authorities have gathered from other quarters.

Guidelines/policy papers

The path towards a new public policy (Vejen til en ny forvaltningspolitik) – *in Danish*
This discussion paper was adopted in 2013, and deals with both internal collaboration (involvement of professions in policy formation and evaluation; promote reciprocal respect in cross-disciplinary spaces; promote the "collaborating public administration across sectors and actors), and external collaboration (a holistic perspective on the citizen in which the citizen partakes in finding solutions to his/her problems; involving civil society, businesses and voluntary organizations in public policy; developing further participatory democratic processes in policy formation).

Proposal for coherence reform – The citizen first – a more coherent public sector (Oplæg til sammenhængsreform – Borgeren først – en mere sammenhængende offentlig sector) – *in Danish*
This proposal was released by the Ministry of Finance in April 2017. The main collaborative element of the proposal is internal and aims to reduce so-called "silo thinking" in particular with regards to vulnerable/marginalized citizens by creating better coherence and stronger connections between different sectors (horizontal) and public authorities (vertical). It also has an external element of emphasizing co-creation (of services) with civil society.

Data Protection, Data Sharing and Freedom of information documents

Law regards openness in the public administration (Offentlighedsloven, LOV nr 606 af 12/06/2013) – *in Danish*

Since the "Openness commission" (*Offentlighedskommissionen*) in 2010 published its report and recommendations for revising the law regards openness in the public administration (Offentlighedskommissionen 2010), the issue has been heavily debated. The last revision before the Openness commission was in 1987. In 2010, the then center-right government suggested a revision of the law in line with the recommendations of the commission. The bill had elements of both more and less openness. On the one hand, the bill extended the right of access to more areas and institutions outside the central administration and strengthened requirements to journalizing. On the other hand, the so-called "service of ministers" (*ministerbetjening*) was to be exempted from the right to access. In 2010, a majority in parliament opposed the revision. However in 2013 the current center-left government announced a revision of the law that to a large extend followed the recommendations of the commission, and thus almost identical with the previous bill. The issue of service of ministers (mentioned in §24) caused a big debate and was criticized from a number of experts for preventing access to information that could be of significant public interest. Nonetheless, the bill was adopted. In the spring of 2018, the law is revised again. Experts disagree whether the current proposal will actually lead to more openness.

Norway

Table 4: Overview of the selected texts from Norway

Constitution
The Constitution of the Kingdom of Norway (Grunnlov)
National Laws
The Public Administration Act (Forvaltningsloven)
The Civil Service Act (Statsansatteloven) – *in Norwegian*
The Procurement Act (Anskaffelsesloven) – *in Norwegian*
Administrative regulation/instruction
Instructions for official studies and reports (Utredningsinstruksen) – *in Norwegian*
Internal control regulations (Internkontrollforskriften) – *in Norwegian*
Guidelines/policy papers
Guidelines for public procurement (Veileder til reglene om offentlige anskaffelser) – *in Norwgian*
State personnel manual (Statens personalhåndbok) – *in Norwegian*
Ethical Guidelines for Public Service (Etiske retningslinjer for statstjenesten) - *in Norwegian*
Data Protection, Data Sharing and Freedom of information documents
The Freedom of Information Act (Offentleglova)
The Archival Act (Lov om arkiv) – *in Norwegian*
Digitalization circular letter (Digitaliseringsrundskrivet) – *in Norwegian*
Regulations on electronic communication with and within the administration (Forskrift om elektronisk kommunikasjon med og i forvaltningen (eForvaltningsforskriften) – *in Norwegian*

Constitution

The Constitution of the Kingdom of Norway (Kongeriket Norges Grunnlov)

The Norwegian Constitution was adopted on 17 May 1814 and is the oldest written constitution in Europe. Norway has practiced constitutional conservatism, but parts of the constitution has been revised over the years. Internal collaboration is not directly mentioned, but the constitution establishes the three branches of government and gives provisions regarding the horizontal relation between them. Vertical coordination between administrative levels is not mentioned in the constitution, which provides one of the main characteristics of Norway compared with other countries, namely the relative autonomy of the municipalities. This is reinforced through Article 49, according to which the inhabitants have the right to govern local affairs through local democratically elected bodies. External collaboration is not directly mentioned, but in its regulation of the legislative process it states that the ministry, which normally is in charge of preparing new legislation, is obliged to give a thorough account/report on the new legislation before presenting it to the Parliament. This entails a hearing process where all relevant parties shall be heard. When new legislation or larger amendments of existing legislation are issued, the normal procedure is to establish a public commission mandated to give recommendations regarding the new law.

National Laws

The Public Administration Act (Forvaltningsloven)

The Public Administration Act is from 1967 and has been amended several times since it came into force in 1970. The Act regulates the procedures that are to be followed by the public administration (relating to casework/administrative work), and applies to all activities conducted by "administrative agencies", i.e. the whole public sector. The Public Administration Act regulates the case processing (when decisions are taken by the administrative agencies), and the parties' rights during such proceedings. Internal collaboration appears indirectly in the text in relation to the sharing of information between administrative agencies (section 13 b). External collaboration appears both indirectly and directly in the text. For example, collaboration is part of the administrative agencies general duty to provide guidance (section 11). Also, when regulation is issued or amended, those that the regulation concerns or those whose interests are particularly affected, shall be given an opportunity to express their opinion (section 37). The rules of confidentiality (duty of secrecy) are often perceived as a barrier to collaboration across different agencies. However, it is not clear if this is caused by the rules themselves, if there is a lack of knowledge about the rules among the civil servants, or if this is more linked to established informal traditions/practices. Amendments to the act have been introduced in order to remove barriers for using ICT. For example, in 2014, digital communication was introduced as the main communication method for the public administration, both within the administration itself and towards the citizens. This led to, for example, the introduction of a digital post box for all citizens.

The Civil Service Act (Statsansatteloven) – *in Norwegian*

The Civil Service Act regulates employment where the state is the employer, and as such gives regulations concerning the conduct of civil servants. The act is supplemented by the Working Environment Act, which gives further regulations on the responsibilities of employers and employees (also in the public sector). Internal collaboration does not appear directly in the text. However, the procedures for hiring involves internal collaboration indirectly. External collaboration does not appear in the text, although unions are mentioned in relation to the hiring of employees.

The Procurement Act (Anskaffelsesloven) – *in Norwegian*

The Act regulates procedures for public procurement. The Act of 2016 replaced a previous Act from 1999. The purpose of the Act is to ensure the efficient use of societal resources, and to contribute to the integrity of public administration and public trust in that public procurement serves societal needs. The administrative instruction to the law gives guidelines relating to internal collaboration (public-public cooperation), which exempts public authorities from the law when the contracted task is performed by "own resources". This can be both when there is an established vertical relationship, and when there is a horizontal relation between the contract partners.

Administrative regulation/instruction

Instructions for official studies and reports (Utredningsinstruksen) – *in Norwegian, with Guidance Notes in Norwegian and English*

The instructions has the purpose of providing a sound basis for decisions about central government measures, such as reforms, investments and legal changes, or changes in regulations. For example, chapter 3 provides instruction/guidance on how the consultation/hearing process should be structured. The instructions were established in 2000 and were changed in 2005 and in 2016. Internal collaboration is prominent in the document and the guidance notes. Both ministries and administrative bodies are included. External collaboration is also mentioned explicitly.

Internal control regulations (Internkontrollforskriften) – *in Norwegian*

The internal control regulation aims to promote work improvement in organizations (both public and private) regarding health, safety and (work) environment (HSE). The regulation replaced previous regulations from 1991, and has been amended several times, most recently in 2017. It deals with collaboration when several governmental organizations and/or businesses work in the same workplace. Internal and/or external collaboration is necessary in these cases, and may require a written contract stating who is responsible for coordinating the activities to ensure internal control (Article 6). Different public authorities oversee different parts of the relevant HSE legislation and act as supervisory authorities. They are responsible for controlling and giving guidance to the relevant actors (Article 7), but how they should collaborate in this regard is not regulated in this regulation. External collaboration is not explicitly mentioned in the regulation, but the regulation deals with this indirectly since it concerns the working environment in both public and private organizations.

Guidelines/policy papers

Guidelines for public procurement (Veileder til reglene om offentlige anskaffelser) – *in Norwegian*

The guidelines for public procurement from 2017 were authored by the Ministry of Trade, Industry and Fisheries. The guidelines aim to clarify the provisions relating to public procurement for public contractors in the Procurement Act of 2016, and gives guidance on how public contractors can go forward to ensure the best possible use of resources and ensure purchasing expertise. The guidelines aim to increase efficiency and decrease costs for public procurers. The guidelines deal with exemptions from the Procurement Act: in certain instances, if a government unit decides to procure goods or services "in-house" (public-public procurement), they are exempt from the Procurement Act.

State personnel manual (Statens personalhåndbok) – *in Norwegian*

The State personnel manual has been published annually since 2006 and gives regulations concerning the state as an employer and thus also more indirectly relating to the conduct of civil servants. The manual contains information on laws, regulations, agreements, wages and personal

issues for employees in the public sector. Internal collaboration is not directly mentioned, but it is there in an indirect sense. For example, in a chapter on leadership (1.3), managers are encouraged to facilitate collaboration in their organizations. The manual also indirectly concerns external collaboration, whereas it includes regulations concerning the basic agreement for the civil service – an agreement that concerns the cooperation between the government and the confederations of government employees' unions.

Ethical Guidelines for Public Service (Etiske retningslinjer for statstjenesten) – *in Norwegian*

The Ethical Guidelines was published in 2007 and revised in 2017. Neither internal nor external collaboration is mentioned directly in the document. The guidelines states that all state employees have to follow regulations and guidelines applicable to the relevant establishment/authority in question. The guidelines specifies that transparency and openness are important principles in public service (chapter 3), both in relation to citizens as well as internally towards other parts of the public administration. This also relates to the provisions regarding freedom of information and access to public documents. The guidelines state that public officials shall be guided by ethical and administrative values and norms of universal validity. This includes (among other things) concern for the citizenry. The guidelines also gives regulations regarding impartiality, relating to other income/occupation, ownership, treatment of "sensitive information", reception of gifts and other benefits.

Data Protection, Data Sharing and Freedom of information documents

The Freedom of Information Act (Offentleglova)

The Freedom of Information Act's full name is "Act relating to the right of access to documents held by public authorities and public undertakings" and was first adopted in 1970, but has since then been amended several times. The purpose of the act is to facilitate an open and transparent public administration. In a broad sense, the Act relates to both external and internal collaboration in terms of giving regulations for how documents should be shared both within and beyond government. There are exemptions from the regulations concerning the sharing of documents obtained by for instance a ministry, a subordinate agency or the Sami Parliament in the course of preparing a case. Likewise, official documents produced during cooperation processes with international organizations do not need to be shared.

The Archival Act (Lov om arkiv) – *in Norwegian*

There was no compiled regulatory framework for archiving before the Archival Act was published in 1992 and entered in to force in 1999. Previously, regulations were spread across a wide range of laws. Digitalization is considered a main challenge in the archive sector. The purpose of the Act is to ensure that important cultural, research and administration information becomes available for the present and the future. The principles of data sharing in the Act is primarily related to obtaining information from the National Registry, records of public bodies, and archives and internal control for the public bodies. The Act is a driver for collaborative

governance in the sense that all archival bodies are required to provide information to the National Archivist of Norway upon request. Archive transfers across public bodies and between public bodies and private actors may require coordination and review by the National Archivist.

Digitalization circular letter (Digitaliseringsrundskrivet) – *in Norwegian*
The Digitalization circular letters have been published annually since 2009, as a measure to achieve better management and coordination of ICT in the public sector and to improve implementation of ICT projects. The circular letter is a compilation of orders and recommendations for digitalization in the public sector. It states that when appropriate, digital services should be adapted to transboundary information exchange to allow public authorities, business owners and citizens the possibility to perform tasks digitally across borders within the EEA area. Ministries shall cooperate with underlying public bodies and other possible actors. If the information that a public body needs is only available through another public body, the information must be obtained from there, provided that there is a legal basis.

Regulations on electronic communication with and within the administration (Forskrift om elektronisk kommunikasjon med og i forvaltningen (eForvaltningsforskriften)) – *in Norwegian*
The regulation was published in 2004 but changed in its entirety in 2014. The purpose of the regulation is to facilitate the safe and efficient use of electronic communication with and within the administration, and it therefore covers both internal and external collaboration. The regulation promotes predictability and flexibility, and aims to facilitate the coordination of safe and appropriate technological solutions. There are several principles that are vital in terms of proper electronic processes and communication, and among them regulations concerning freedom of information. For instance, when storing electronic information and providing access to information, the Freedom of Information Act applies (anyone may require access to case documents, journals or similar records stored by the body, but, although with exceptions. Retention of information about citizens is regulated by the Archive Act. If the administrative body keeps electronic archives, they may choose to provide access to information and documents in electronic form. When it comes to reusing information, the regulations state that personal data registered about individuals in the Contact Register associated with "ID-porten" (electronic ID) can be reused in the register of digital contact information. The individual are to be informed about the extradition and access to update information, as well as the right they have to make reservation against electronic communications.

Chapter 6: Tradition: Roman-French (Napoleonic)

France

Table 5: Overview of the selected texts from France

Administrative regulations/instructions
Decree for the creation of the general Secretariat for the Modernization of Public Action – *in French*
Circular on the governments work method and Circular on the organization of the interministreal tasks – *in French*
Code establishing the relation between the public and public administration – *in French*
Decrees for a New Public and E-government Organization – *in French*
Guidelines/policy papers
Simplification shock – *in French*
Project for an electronic government 2004-2007 ADELE – *in French*
Marianne referential framework – *in French*
Interministerial Action Plan for Relations between Public Services – *in French*
Program on public action 2022 – *in French*
Data protection, Data Sharing and Freedom of information documents
National action plan for a transparent and collaborative public action
Law for a digital Republic – *in French*

Administrative regulation/instructions

Decree for the creation of the general Secretariat for the modernization of public action (Décret portant création du secrétariat général pour la modernisation de l'action publique) – *in French*

This decree was issued by the Prime Minister in October 2012 to create the general Secretariat for the modernization of public action (SGMAP), which is focused on internal collaboration through the fostering of interministerial coordination in work, including interministerial level analyses. The SGMAP supports the government in the implementation of central state reforms with the use of various evaluation, support and digital instruments. This new organisation is part of the state reform movement aiming at improving the efficiency, the accessibility and the accountability of public services, and at improving the country's public finances and economic competitiveness. The SGMAP is the reunion of existing services in charge of the modernisation policy that were scattered across ministries.

Circular on the government's work method and Circular on the organization of the interministerial tasks (Circulaire portant sur la méthode de travail du gouvernement, Circulaire portant sur l'organisation du travail interministériel) – *in French*

Prime minister's circulars issued in 2014 and 2015 respectively in order to set clear rules with regards to the government's working method and the organisation of interministerial tasks. Both

focus on internal collaboration, such as better management of interministerial tasks and strengthening of the follow-up process. Concrete instruments include low number of guidelines and clear priorities given to field services and mandatory prior consultation with their representatives, interministerial meetings only for issues that require an arbitration, possibility to use online consultation between administrations for interministerial tasks and directors of central administrations have to take charge of every important law project in interministerial meetings. These circulars largely implement the recommendations made by the General Inspectorate of Finance and the Council of State in their report on the coordination of interministerial tasks published in 2007. They followed the launch of the Solidarity and Responsibility Pact, which aimed to respond to citizens' demands in terms of employment, security, justice and public services' quality and prepare for the future with economic growth and energy transition.

Code establishing the relations between the public and public administration (Code des relations entre le public et l'administration) – *in French*

Unlike in other European countries, there were no general corpus of rules applicable to the relationships between the users and public administrations in France until 2016.

The Code regulates ordinary relations between the public and public administrations starting from 2016. The code stems from the ordinance-law N°2015-1341 and from the decree N°2015-1342 promulgated on 23th October 2015. Based on the law from 12th November 2013 enabling the government to simplify the legislation in question, it merges all the provisions related to the relations between the public (in the broadest sense) and public administrations. It contains provisions both related to internal and external collaboration. Regarding internal collaboration, it refers to interactions with public administrations (e.g. data exchanges between administrators), unilateral measures taken by public administrations and on the administrative documents access and the reuse of public information. Likewise, external collaboration occur in a number of chapters including those on interactions with the administration, administrative document access and dispute resolution. Instruments include tools such as appointment by the administrations of a person in charge of the access of administrative documents and the reuse of public information, written and signed document explaining the grounds of individual/unilateral administrative decisions, acknowledgement of receipt by the administration for every electronic or paper requests and implementation of tele-services.

Decrees for a New Public and E-government Organisation (Décrets pour une nouvelle organisation de la transformation publique et numérique de l'Etat – second text) – *in French*

Issued by the Prime Minister in 2017, the Decrees implement a new organization for the public and digital state's transformation. The decrees define the organization of the Interministerial Directorate for public Transformation (DITP) and the Interministerial Directorate for State's digital issues and information and communication systems (DINSIC) that replace the General Secretariat for the modernization of public action (SGMAP). The focus is thus on internal collaboration, and the text does not mention external collaboration. This follows the 2017 presidential elections and lays the foundations for the launching of the Public Action 2022

Programme. This new organisation is part of the state reform movement aiming at improving the efficiency, the accessibility and the accountability of public services.

Guidelines/policy papers

Simplification shock (Choc de la simplification) – *in French*
The "Simplification choc" is a wide governmental programme issued by President of the French Republic together with the French government in 2013. The programme aims at simplifying and facilitating administrative procedures for companies and citizens in order to make the dialogue between public administration and the public more fluid and build a trustworthy relationship. This large reform programme included a set of measures targeted towards both companies and individual users. Internal collaboration is included through decrease of the number and the volume of newsletters and paper-form circulars within administrations, and enabled deliberation without physical attendance for commissions and public deliberative bodies. External collaboration features extensively in the code as various simplified procedures directed towards both companies and citizens.

Project for an electronic government 2004-2007 ADELE (Projet "ADministration ELEctronique 2004-2007) – *in French*
This is a governmental plan aiming at providing a coordinated, coherent and multi-year framework furthering the development of digital and electronic devices into public administration and agencies. The development of electronic administration is part of the central state reform policy that includes on the one hand a modernization of management practices and on the other hand a change in the relations between the state and users. The project complements the Marianne Charter which is included in the plan for a digital Republic in the information society (plan RE/SO 2007) introduced by the Prime Minister on 12th November 2002. The ADELE plan sets four fundamental requirements for French public administration: make constant efforts to listen to users; make public services more accessible for everyone; set a confidence pact with users; be more efficient while controlling public spending. Internal collaboration is indirectly covered through the attention to efficiency gains. External collaboration is directly covered through the emphasis on listening to users throughout the policy process, and through the use of the tool "confidence pacts" with users and deliberately try to widen the scope of users of public services.

Marianne referential framework (Référentiel Marianne) – *in French*

The Marianne Charter was launched in 2005 along with the ADELE project as part of the plan for a digital Republic in the information society (plan RE/SO 2007). It consists of a common core of principles aiming at improving the quality of reception and the quality of the public services of the central state. Its focus is on external collaboration in the form of strengthened involvement of users. However, in order to achieve this there is a requirement/expectation for civil servants to collaborate with other civil servants (internal collaboration). Since 2007, administrations can call for an audit to assess whether the Marianne commitments are met. If it is the case, they get the

"Marianne label" that evidences reception quality as well as the quality of the services provided to citizens. More than 230 public institutions received this label.

Interministerial Action Plan for Relations between Public Services (Plan d'action interministeriel de la relation services) – *in French*

This 2016-2017 interministerial action plan published in May 2016 defines the goals and action priorities for public services at the digital era. Both internal and external collaboration appears in the text. With regards to internal collaboration there is content on how to get better information and understand users' needs by analysing and circulating the general Secretariat for the modernization of public action (SGMAP) transversal studies on the relations between citizens and the administration (especially the survey on the administrative complexity perceived by citizens, the Delouvrier Institute's Barometer on the perception of public services by users and various public policies' evaluation reports). Co-production of services and systematized quality approaches on the relationship between users and administrative actors are parts of external collaboration. A large number of instruments are suggested for internal collaboration, whereas concrete suggestions are fewer for how to involve users.

Programme on public action 2022 (Programme action publique 2022) – *in French*

This action plan was launched by the Prime Minister on 13th of October 2017. It aims at transforming the public administration based on a threefold objective: improve the quality of public services delivery, provide a modernized work environment for civil servants and contain public spending by optimizing the allocation of resources. Both internal and external collaboration feature prominently. An open debate on public administrations' missions and spending within public administrations is carried partly through an independent Committee (CAP 22) including economists, relevant stakeholders (public and private sectors), and elected representatives. Administrative support comprises a Secretariat codirected by the General Secretariat for the modernization of public action, France Stratégie, the General Directorate for Budget and ministerial and inter-ministerial inspectorates. A specific task is to develop broad digital and physical consultations in order to mobilize the French society around the renewal of its public sector. There is a clear expectation for public administrations to collaborate with one other, and expectation for the civil society to collaborate with public administrations and vice versa. The first phase already caused some resistance especially from trade unions. They consider that the Programme on public action 2022 is merely an extension and a deepening of previous state reform programmes (RGPP and MAP). The main disputed issue is with regards to the reduction of public spending deemed as "drastic" and to the suspected government's willingness to phase out some public missions

Data Protection, Data Sharing and Freedom of information documents

National action plan for a transparent and collaborative public action (Plan d'action national pour une action publique transparente et collaborative)

In April 2014, France officially joined the Open Government Partnership that already united governments, NGOs and civil society from 65 countries. The first national action plan for a transparent and collaborative public action was published for the period 2015-2017. It includes commitments taken by the government and the public administrations to foster and implement transparency, citizen participation and public action's co-construction. It involves incentives and means for both internal and external forms of collaboration. Internal collaboration include training for civil servants and awareness campaigns around digital issues. Examples of commitments to external collaboration include collaborative participation mechanisms (online consultation and surveys, citizens' juries, workshops, contributory areas, jurisdiction council etc.) the involvement of citizens into the court of auditors' work and eased data access related to transparency obligations from public authorities.

Law for a digital Republic (Loi pour une République numérique) – *in French*
The law, enacted in 2015, aims to support the digital transition and to foster innovations and digital economy as well as a digital open protective and reliable society. The law was preceded by unusually extensive consultations and participatory practice. Between October 2014 and February 2015, a first broad consultation process on challenges and issues at the digital age directed by the Nation Council for digital affairs (CNNum) was launched in France. Based on a synthesis of the contributions received during this time period, the CNNum submitted a report to the government which resulted on 18th of June 2015 in the announcement of an action plan presenting the French digital strategy. In September-October 2015, an online-based citizen consultation was launched by the government. For the first time citizens had the opportunity to give their opinion and to co-participate in the drafting of a law before it was introduced to the Parliament. The law is structured around data and knowledge circulation, rights protection in a digital society and access to digital technologies.

Spain

Table 6: Overview of the selected texts from Spain

Constitution
Spanish Constitution
National Laws
Law 50/1997, of November 27, on the Government – *in Spanish*
Law 40/2015, of October 1, on the Legal Regime of the Public Sector – *in Spanish*
Law 39/2015, of October 1, on Common Administrative Procedure of the Public Administrations – *in Spanish*
Royal Decree 5/2015, of October 30, approving the revised text for the Law on the Basic Statute for Public Employees – *in Spanish*
Royal Decree 951/2005 of July 29, establishing the genereal framework for the improvement of quality in the General State Administration – *in Spanish*
Manual of Administrative Simplifications and Reduction of Burders for the General Administration of the State – *in Spanish*
Digital Transformation Plan for the General Administration and Public Agencies – ICT Strategy 2015-2020 – *in Spanish*
Data protection, Data Sharing and Freedom of information documents
Organic Law 15/1999, of December 13, on the Protection of Personal Data
Law 37/2007, of November 16, on the re-use of public sector information
Royal Decree 1671/2009, of November 6, which partially develops Law 11/2007, of June 22, on electronic access of citizens to public services
Law 19/2013, of December 9, on transparency, access to public information and good governance
National Action Plan of Spain, 2017-2019, of the Open Government Partnership

Constitution

Spanish Constitution (Constitución Española)
The Constituent Assembly was passed by the "Spanish General Courts" (Spanish Parliament) on 11/31/1978, ratified in the referendum of 12/06/1978, published on 12/29/1978 and entered into force 12/29/1978. The constitution makes a few references to internal collaboration. Article 103(1) establishes "coordination" as a principle that the public administration must apply in its activity. Concerning vertical collaboration, article 87(2) establishes the possibility for autonomous communities (regional governments) to participate in the elaboration of laws at the state level. In addition, article 131(2) includes the participation of the autonomous communities and other external organizations in planning projects prepared by the government. An implicit reference to horizontal collaboration is made in article 145(2), which establishes that the statutes of the autonomous communities include the circumstances under which the existence of this coordination among themselves is possible. Otherwise, the authorization of the general courts is necessary. Regarding external collaboration, the Constitution recognizes in article 23(1) the possibility for citizens to participate "directly" in public affairs, article 29 establishes the right of

individual or collective petitions and the constitution also includes the possibility for citizens to propose legislation, participate in referendums and mentions the possibility to participate via hearings. A more active form of external collaboration is included in article 125: "Citizens may engage in popular action and participate in the administration of justice through the institution of the Jury, in the manner and with respect to those criminal trials as may be determined by law, as well as in customary and traditional courts."

National Laws

Law 50/1997, of November 27, on the Government (Ley 50/1997, de 27 de Noviembre, del Gobierno) – *in Spanish*

This law establishes the composition of the government and its base of collaboration and support. It also regulates their creation, their working procedures and their activity in the legislative field. The law does not contain provisions for internal collaboration. However, regarding external collaboration it determines that organisations preparing laws or regulations must make an online public consultation. The objective of this consultation is to take into account the possible contingencies that have not been considered. The public consultation must be done using the website of the organisation who prepares the norm or regulation and the duration of the consultation cannot be less than fifteen days. Order PRE/1590/2016, of October 3, publishing the Agreement of the Council of Ministers of September 30, 2016, with the instructions to enable public participation in the regulatory process by using the websites of Ministerial departments, further develops this type of consultations. The only specification deserving special mention is that the Transparency Portal can also be used to carry out these consultations (rather than the websites of each specific Ministry).

Law 40/2015, of October 1, on the Legal Regime of the Public Sector (Ley 40/2015, de 1 de Octubre, de Régimen Jurídico del Sector Público) – *in Spanish*

The objective of this law is the modernization of the legal system of public administrations in terms of the reform of the different organisms, their creation, composition, competences and the way in which they relate to each other. This law is a consequence of the report prepared by the Commission for the Reform of Public Administrations in June 2013 (CORA, 2013). There are some references to external collaboration in the definition of covenants (article 47) or joint ventures (article 118). However, most attention is on internal collaboration. In this law, collaboration has a certain character of obligation (article 95). It establishes that the norm that creates a state public organism must include the shared management of common services with other organizations; otherwise, it must be justified in terms of efficiency. Article 140 establishes the principles of inter-administrative relationships, including collaboration (as the obligation to work with other administrations), cooperation (as a voluntary activity) and coordination (as the obligation of a public administration, particularly the General State Administration, to guarantee consistency in the performance of different public administrations). Article 141 further develops the collaboration between public administrations as a duty, including the types of activities to be carried out (e.g. respect to the competences of other administrations, sharing information, assisting other administrations so that they can carry out their competences and when their

actions are outside their territory). Article 142 lists collaboration techniques (see below). Articles 143 to 154 further develop cooperation, which is considered as voluntary, because the cooperation relationship must be expressly accepted (article 143). Articles 144 to 154 include some examples of cooperation techniques. There are also some references to the use of electronic media for relationships between public organizations. Article 142 lists collaboration techniques (e.g., provision of information and data, creation and maintenance of integrated systems for administrative information or any other established in legislation). Articles 144 to 154 list some cooperation techniques (e.g., the participation in cooperation or advisory bodies, the provision of material, economic or personnel resources, conference of presidents, sectorial conferences, bilateral cooperation agreements, or territorial coordination agreements).

Law 39/2015, of October 1, on Common Administrative Procedure of the Public Administrations (Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas) – *in Spanish*

The objective of this law is to improve the efficiency and transparency of the procedures of public administrations by simplifying them, eliminating duplicity and focusing on the incorporation of electronic means as a common instrument to perform administrative procedures. Internal collaboration is not specifically mentioned, but it deals with interoperability as a factor for its attainment. Article 2 determines that the individual and general electronic records for the delegation of authority must be compatible with each other and with property and mercantile registers. Article 16(4) also establishes that people can present documents, with which they wish to address public administrations, in different registries and agencies. For this purpose they must be interconnected. With regards to external collaboration, in the preamble of the law, the need to gather the opinion of citizens and companies before the elaboration of regulation is discussed. Subsequently, article 133 describes how citizens can participate in the regulatory process (elaboration of laws and regulations) using online public consultations or direct consultation with directly affected parties. Some of these requirements were already specified in law 50/1997. As explained for this law, article 133.4 also includes some exceptions for public consultation (e.g. public interest issues and lack of impact on economic activity).

Royal Decree 5/2015, of October 30, approving the revised text of the Law on the Basic Statute for Public Employees (Real Decreto Legislativo 5/2015, de 30 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto Básico del Empleado Público) – *in Spanish*

The purpose of this decree is to integrate the previous valid legislation regarding the Basic Statute of the Public Employee so that it is properly "regulated, clarified and harmonized". This decree repealed Law 7/2007, of April 12, of the Basic Statute of Public Employees and the provisions and subsequent regulations with the status of law that have modified it. There are few references to internal collaboration. It is established as a basis for the actuation of public administration in the regulation and management of civil service (article 1(3)) and in the matters regulated in this Statute (article 99). Moreover, public administrations must promote an integrated management of human resources (article 71(4)). If a local administration does not have the necessary capacity, the General State Administration and the autonomous communities

(regional governments) must support it (article 71.5). Another type of internal collaboration is recognized in article 84(1). For a better use of human resources, public administrations should take steps to facilitate inter-administrative mobility (including mobility between different levels of government). There are no references to external collaboration.

Royal Decree 951/2005, of July 29, establishing the general framework for the improvement of quality in the General State Administration (Real Decreto 951/2005, de 29 de julio, por el que se establece el marco general para la mejora de la calidad en la Administración General del Estado) – *in Spanish*

The aim of this decree is to collect the set of actions and programs for the improvement of quality in public administrations. The decree covers both internal and external collaboration. It establishes that the General Secretary for Public Administration must collaborate with the organizations that need their support to elaborate Public Service Charters (article 10(1)). For quality improvement, it is recognized that the cooperation of citizens is very important. Users of public services should participate more actively in their improvement. With this purpose, it establishes (article 5) that public agencies must analyse the demand of public services and evaluate user satisfaction. To collect the opinion or proposals for improvement, the obligation to have a system of complaints and suggestions is established (article 14). Instruments mentioned are service charters, systems for complaints and suggestions. In Spain, service charters are considered as quality and governance tools rather than rights of users guaranteed by administrative regulations. Spanish service charters have been well received by politicians, staff and users, with some reluctance from trade unions, perhaps because the absence of staff reward systems does not balance the increment of daily work and duties. The change of citizens' perception seems to be encouraging staff to support quality initiatives (Torres, 2005).

Administrative regulations/instructions

Manual of Administrative Simplification and Reduction of Burdens for the General Administration of the State (Manual de Simplificación Administrativa y Reducción de Cargas para la Administración General Del Estado) – *in Spanish*

Issued by the Ministry of Finance and Public Administrations, the purpose of this manual is to establish a general methodology for the review of the activity of the administrations for the reduction of burdens and the simplification of processes. Although it is created for the general administration of the state, other administrations are also encouraged to use it in case they do not have a specific manual. Internal collaboration is presented as a technique for reducing administrative burdens by interconnecting data sources and records between administrations or with third parties to avoid asking for the same documents or certificates. Also, through collaboration between administrations to eliminate repeated procedures or improving the coordination with other administrations to provide services in which several administrations are involved. It does not cover external collaboration. Instruments used include: Interconnection of data sources and records between administrations or with third parties to avoid asking for the

same documents or certificates; Collaboration between administrations to eliminate repeated procedures; Coordination with other administrations to provide services.

Guidelines/policy papers

Digital Transformation Plan for the General Administration and Public Agencies - ICT Strategy 2015-2020 (Plan de Transformación Digital de la Administración General del Estado y sus Organismos Públicos - Estrategia TIC 2015-2020)

This document is the strategy for the implementation of ICTs in public administration for the period 2015-2020. It includes the principles, objectives, actions and milestones achieved. Internal collaboration in this document appears as one of the objectives to be achieved with the implementation of ICTs. The document refers to the internal collaboration in the performance of internal procedures, the participation of public servants in the development and evaluation of public services, and the provision of a unified image of the public administration. Several excerpts from this document evidence this. The Directorate of Information and Communication Technologies (DTIC) is the agency in charge of implementing the shared means and services. The use of the Ministerial Commissions of the Digital Administration is proposed to share good practices in ICTs of the different public administrations. It also establishes the use of the Sectoral Committee of the Electronic Administration so that the DTIC coordinates the actions of the autonomous communities and local government. External collaboration is covered in that the plan includes the participation of all stakeholders, including citizens, businesses and organizations, in order to achieve the objective of digital transformation of the Administration. This can be done via for instance public-private partnerships and other alliances, citizen participation initiatives (by using social networks and online satisfaction surveys), and fostering the re-use of public information.

Data Protection, Data Sharing and Freedom of information documents

Organic Law 15/1999, of December 13, on the Protection of Personal Data (Ley Orgánica 15/1999, de 13 de diciembre, de Protección de Datos de Carácter Personal)

The purpose of this law is the protection and access to personal data in physical records and their subsequent use in the public and private sectors. It also establishes the functioning of the Data Protection Agency. This law brought Spanish law in line with the EU Data Protection Directive 95/46/EC. It was published on 12/14/1999 and entered into forced 01/14/2000. It is further developed by Royal Decree 1720/2007, of December 21. The law can be linked to increased collaborative governance practice. The Director of the Data Protection Agency may regularly meet the corresponding bodies in the Autonomous Communities for the purposes of institutional cooperation and coordination of the criteria or operating procedures. The Director of the Data Protection Agency and the corresponding bodies in the Autonomous Communities may ask each other for the information needed for the exercise of their functions [article 41(3)]. The Spanish Data Protection Agency has issued two documents to make it easy for organisations to adapt to European Regulation 2016/679, of the European Parliament and of the Council of 27 April 2016, on the protection of natural persons with regard to the processing of personal data and on the

free movement of such data: "Practical guide for impact assessments in the protection of data subject to the European regulation on data protection" and "Practical guide for the analysis of risks in treatment of personal data subject to the European regulation on data protection."

Law 37/2007, of November 16, on the re-use of public sector information (Ley 37/2007, de 16 de noviembre, sobre reutilización de la información del sector público)

The objective of this law is to provide a minimum general framework that regulates the re-use of public sector documents, either for commercial or non-commercial purposes. Public sector documents include documents prepared or held in safekeeping by public sector Administrations and organisations. The preface indicates that the conditions of the re-use must be "clear, fair and transparent and non-discriminatory for comparable categories of re-use, and meet the principle of public service and free competition". These ideas are reflected in the law in article 6 that prohibits granting exclusive rights to use documents to third parties. An exception is established when the exclusive rights are necessary to provide a service of public interest (article 6(2)). The government, on proposal from the competent Ministries, shall develop action plans and programmes intended to facilitate the re-use of public sector information with a view to promoting the growth of the digital content sector, and may establish with other public Administrations such collaboration mechanisms as are deemed pertinent for achieving that objective (First additional provision).

Royal Decree 1671/2009, of November 6, which partially develops Law 11/2007, of June 22, on electronic access of citizens to public services (Real Decreto 1671/2009, de 6 de noviembre, por el que se desarrolla parcialmente la Ley 11/2007, de 22 de junio, de acceso electrónico de los ciudadanos a los servicios públicos)

The purpose of the Decree is to implement the citizens' rights to access public services using electronic media, as they were recognized in Law 11/2007 and to establish a more flexible framework for the implementation of e-government. The law covers the following aspects in the General Administration of the State and other related or dependent agencies: "the transmission of data, public service websites, single access gate, identification and authentication, electronic registers, electronic communications and notifications and electronic documents and copies" (article 1(1)). It also deals with the minimal and essential requirements pertaining to e-identification and e-authentication. When citizens use the right to not provide documents or data that public administrations already have, the administration should request the necessary documents to the relevant public administration. These documents should be provided by using electronic means in the period established by the specific regulation, which cannot be higher than 10 days (article 2).

Law 19/2013, of December 9, on transparency, access to public information and good governance (Ley 19/2013, de 9 de diciembre, de transparencia, acceso a la información pública y buen gobierno)

The purpose of the Act is to extend and strengthen the transparency of public activity, to regulate and guarantee the right of access to information about said activity, and to establish the good governance obligations that must be complied with by public officials as well as the

consequences resulting from non-compliance (article 1). The right to access public information was already recognised in other provisions of the legal system (such as article 105.b of the Spanish Constitution and article 37 of Act 30/1992), although not in a clear way, and access was limited to documents contained in administrative procedures that have already concluded. Specific dispositions resulting from EU Directives also existed as regards the rights to access information and public participation in the sphere of the environment. The law establishes that updated information must be published periodically (article 5.1), in the corresponding electronic portals or websites, in a manner that is clear, structured and comprehensible for those concerned, and preferably in reusable formats. The appropriate mechanisms shall be established to enable the accessibility, interoperability, quality and re-use of the information published, as well as its identification and location (article 5.4). All the information shall be comprehensible, easily accessible and free of charge, and it shall be available to persons with disabilities through appropriate means or formats, so that they are accessible and comprehensible, in accordance with the principle of universal accessibility and design for all (article 5.5). The implementation of the law has been subject to criticisms, both in terms of response rate and speed to requests and how information channels are displayed.

III National Action Plan of Spain, 2017-2019, of the Open Government Partnership (III Plan de Acción de España, 2017-2019, de la Alianza para el Gobierno Abierto)

This is the third action plan since Spain joined the Open Government Partnership (OGP) in 2011. The first plan focused on transparency, access to information and good governance, the efficiency in the use of public resources and their improvement through the use of social networks, simplification of regulations and the interoperability of information in the administration of justice. The second plan had as objectives the creation of a transparency law and a transparency portal and to develop access to information and electronic services by citizens. Only one commitment is directly related to data sharing: improvement of the quality of real state data through the coordination of the cadastre and the land registry (commitment 4.3). Freedom of information is related to transparency, one of the basic pillars of open government. Some of the commitments aim at strengthening the tools available for transparency: improvement of the transparency portal and the right of access (commitment 3.1), information disclosure program and its re-use (3.2), development of regulations for the transparency law (3.5); push open data as an instrument for open justice in Spain (4.1); expand the contents of the economic-financial center – data from the Public Administrations at an economic, budgetary and financial level (4.2). The Plan foresees the promotion of the program for opening up public information and its re-use, which includes, among other things, the regulatory development of Law 18/2015 on the re-use of public sector information in order to strengthen inter-ministerial cooperation and the availability of public data in easily accessible and reusable formats. The partnership encourages collaborative governance practices in that transparency, participation and collaboration are the three pillars of open government. These principles permeate the whole strategy.

Chapter 7: Tradition: Roman-Germanic/Continental

Belgium[1]

Table 7: Overview of the selected texts from Belgium

Constitution
The Constitutional decree of Belgium – *in Dutch, French and German*
National and state laws
Law of the regulations between the government and the trade unions of its personnel – *in Dutch*
Law concerning insertion of book XIII 'consultation' in the law book of economic law "The Central Economic Council : An institution at the service at the service of the social dialogue" – *in Dutch and French*
Law concerning the evaluation of certain plan's and programme's consequences for the environment and the consultation of the public during the implementation of the plans and programmes concerning the environment – *in Dutch*
Flemish law of July 18th 2003 on the Public Private Partnerships – *in Dutch*
Administrative regulations/instructions
Code of ethics for civil servants of the federal government – *in Dutch*
Collaboration and conflict resolution in the federal state of Belgium – *in Dutch*
Royal Decree concerning the establishment of the Federal Service for Policy and Support – *in Dutch*
Royal Decree concerning measures with the aim to increase the accountability of the Public Institutions for Social Security, pursuant to article 47 of the law of 26 July 1996 to modernize social security and to safeguard the quality of life of the statutory pension systems – *in Dutch*
Royal decree establishing the National Security Council – *in Dutch*
Agreements and treaties
Cooperation agreement concluded on March 8th 1994 between the Federal State, the Communities and the Regions on the representation of the Kingdom of Belgium within the Council of Ministers of the European Union – *in Dutch*
Guidelines/policy papers
Green paper 'governance' – *in Dutch*
Preliminary draft administrative decree – *in Dutch*
Visie 2050 (Vision 2050)
White paper 'Open and Agile Government' – *in Dutch*
Data protection, Data Sharing and Freedom of information documents
Federal law of February 26th 2003 on the protection of natural persons with regard to the processing of personal data – *in Dutch*
Federal law of April 11th 1994 on the freedom of access and openness of government – *in Dutch*
Federal law of August 8th 1984 on the creation of a National Identification Register – *in Dutch*

[1] The two key constituents of the Belgian federal state can be interpreted to belong to different traditions, Roman-French and Roman-Germanic. The special categorisation of Belgium is due to the inclusion of several Flemish documents in the country report (in addition to the federal level of Belgium).

Federal law of August 15th 2012 on the creation and organization of the federal service integrator– *in Dutch*
Federal law of January 15th, 1990 on the creation and organization of the crossroads bank of social security information– *in Dutch*
Federal law of August 21th, 2008 on the creation and organization of the eHealth platform–*in Dutch*
Legal Code Economical Law (2013), heading 2: Crossroads bank for businesses and the recognized entrepreneurial offices– *in Dutch*
Cooperation agreement of August 26th, 2013 between the federal government, the communities and the regions on the harmonization and alignment of initiatives with regard to the realisation of integrated e-government– *in Dutch*
Flemish decree of July, 18th 2008 on the electronic governmental data traffic–i*In Dutch*
Flemish decree of March 26th, 2004 on the openness of government and freedom of information– *in Dutch*
Flemish decree of April 27th, 2007 on the re-use of public information– *in Dutch*

Constitution

The Constitutional decree of Belgium – *in Dutch, French and German*
The constitution makes no reference to issues of internal coordination, understood here as coordination by entities within the Federal government. Being a multi-layered country, the Belgian Constitution devotes quite some space on issues of coordination and division of competences between the regions, communities, provinces, municipalities and the federal level.

National and state laws

Law on the regulation of relations between the government and the trade unions of its personnel (Wet tot regeling van de betrekkingen tussen de overheid en de vakbonden van haar personeel) – *in Dutch*
The law of December 19, 1974 obliges every government to negotiate in advance or to consult the representative trade organizations when they want to take measures with regard to its employment regulations employees (including administrative regulations, salary, the pension scheme, relations with the trade unions and the organization of social services). This gives the representative trade unions a say in the measures that the government intends to take. Negotiations with the trade unions are always concluded with a protocol. Some of the negotiating committees established in the law are: Committee A: joint committee for all public services; Committee B: Committee for the Federal, Community and Regional Authorities; Committee C: Committee for provincial and local government services - at the Flemish level there are 2 subdivisions: Committee C1 for the officials of the provincial and local government departments + Committee C2 for the staff of provincial and municipal education. The general committees (A, B, C) have an overarching function. Both the government and the representative trade unions can bring forward issues to be discussed in the committees (taking into account the competence of

the committees). The government cannot refuse a point made on the agenda of a negotiating committee by the trade unions.

Law concerning insertion of book XIII 'consultation' in the law book of economic law "The Central Economic Council : An institution at the service of the social dialogue" (Wet houdende invoeging van het boek XIII 'Overleg', in het Wetboek van economisch recht) – *in Dutch and French*

The law concerns the establishment of the Central Economic council which has the assignment of giving advice or proposals to the legislative chambers, council of ministers, one or multiple ministers, or to any other federal government body, of own accord or by request of these governmental bodies, concerning all the country's economic issues. Special advisory commissions can be established within the Central Economic Council for certain industries. These commissions work in the same way as the overarching Central Economic Council. There are a range of policy instruments at their disposal.

Law concerning the evaluation of certain plan's and programme's consequences for the environment and the consultation of the public during the implementation of the plans and programmes concerning the environment (Wet betreffende de beoordeling van de gevolgen voor het milieu van bepaalde plannen en programma's en de inspraak van het publiek bij de uitwerking van de plannen en programma's in verband met het milieu) – *in Dutch*

The law can be seen as the implementation of the Aarhus Treaty (1998) concerning access to information, public participation in decision making and access to justice in environmental matters. The goal of the law is the adaptation of Directive 2001/42/EG of the European Parliament and the Council of June 27th 2001 and 2003/35/EG of the European Parliament and the Council of 26th of May 2003. The law is approved by Belgium's federal parliament. The law establishes an advisory committee for the evaluation procedure of a program's effects that can have substantial effects on the environment. Art. 16. When a plan or a program under Article 6 is subjected to an environmental impact assessment, the federal government formulates a statement which summarizes how environmental considerations have been integrated into the plan or program, and how the assessment of the environmental impact report was taken into account. It should state why the plan or program was chosen in the light of other reasonable alternatives that were considered, and it should indicate the main measures for the monitoring of the significant environmental impact of the implementation of the plan or program. When a plan or a program concerning the environment is adopted, the federal government formulizes a statement that summarizes how the public consultation was taken into account. The law emphasizes the need for collaboration with the public concerning the environmental plans and programmes. Thus, public consultation is required before decision-making in environmental matters.

Flemish law of July 18th 2003 on the Public Private Partnerships (Decreet van 18 juli 2003 betreffende de publiek-private samenwerking) – *state level law, in Dutch*

The law supports the creation of the Knowledge Centre on Public Private Partnerships (PPP). It gives organizations who want to start with a public private partnership advise on how they should organize themselves. The Knowledge Centre is describe in article 4 of the decree. The core of the law situates around the level of external collaboration and the mechanism that are aligned to it. The law makes a distinction between the Flemish government and their legal entities and the local government and their legal entities. The law makes it possible for the different government levels to initiate a collaboration with private partners in the shape of the creation of a legal entity in which the public and private partners participate or via a contract. The authorization for the legal ground of a PPP comes from the Flemish government. Acts of government that followed, provided the legal specifications of the legal entity or the contract. The latter could not only have a description of the output, but could also have a description of the design, finance and maintenance of the project, which included more than tender contracts, and required more intensive participation of the several partners. PPP's are mainly used for different kinds of public infrastructure and associated service delivery.

Administrative regulations/instructions

Code of ethics for civil servants of the federal government (Deontologisch kader voor de ambtenaren van het federaal administratief openbaar ambt) – *in Dutch*

Issued by the Federal Department of Justice, the code of ethics fits within a broader policy of the federal government to increase citizen trust in government. Values in relation to service delivery towards citizens are highlighted: Respect, impartiality, professional seriousness and loyalty. Regarding internal collaboration there are several provisions on mutual respect and collegiality between civil servants, respect for work-life balance of civil servants. External collaboration/coordination is not directly mentioned. The Bureau for Official Ethics and Deontology (Dutch: *Bureau voor ambtelijke Ethiek en Deontologie*) was established on 1 July 2006 as a central body charged with the introduction of a comprehensive integrity policy that takes account of international obligations and recommendations. The deontological framework itself is not normative; the framework seeks to make civil servants aware of the values of respect, impartiality, professional integrity and loyalty and structurally embedding these values in the daily management of the services, institutions and administrations of the federal administrative public office. The framework is at the same time a measure of good governance by providing the officials with an understandable, accessible, transparent and well-organized reference text.

Collaboration and conflict resolution in the federal state of Belgium (Samenwerking en conflictoplossing in de federale Staat België) – *in Dutch*

This "parliamentary information card" (Dutch: parlementaire infosteekkaart)" lists several procedures to reach collaboration and conflict resolution in the federal state of Belgium. The basic principle behind these procedures relates to "federal loyalty". The Constitution has defined

this principle (Article 143 of the Constitution) as a means of avoiding conflicts of interest. This means that both the federal government and the communities and regions in the exercise of their powers must attend to mutual interests. Collaboration structures include the Consultation Committee, the Interministerial conferences and the Metropolitan community of Brussels set up for consultations on matters affecting several regions, in particular mobility, road safety and road works from, to and around Brussels. Forms of collaboration include collaboration agreements, the information obligation, the duty of advice, the duty to consult and the obligation of conformity. In certain cases, the government has a blocking option with regard to a proposed decision by another government. The document makes no references to external collaboration.

Royal Decree concerning the establishment of the Federal Service for Policy and Support (Koninklijk besluit houdende oprichting van de Federale Overheidsdienst Beleid en Ondersteuning) – *in Dutch*

The tasks of the Federal Service for Policy and Support (FSPS) concerns a variety of service delivery and advisory activities aimed to improve horizontal coordination within the Federal administration. These activities concern a series of support functions (communication, budget and finance, payroll, management control, prevention etc.), including the sharing of good practices and coordination of digitization processes within government. Internal collaboration is also mentioned in relation to the governance of FSPS itself. Communication towards citizens, enterprises and the media is mentioned, as well as the elaboration and follow-up of a digital strategy of the federal government towards citizens and businesses; coordinating and harmonizing the various digital communication channels towards citizens and businesses; representing the federal government at home and abroad in the field of e-government; the development and management of digital services and platforms in the context of digital interaction with citizens and businesses.

Royal Decree concerning measures with the aim to increase the accountability of the Public Institutions for Social Security, pursuant to article 47 of the law of 26 July 1996 to modernize social security and to safeguard the quality of life of the statutory pension systems (Koninklijk besluit houdende maatregelen met het oog op de responsabilisering van de openbare instellingen van sociale zekerheid, met toepassing van artikel 47 van de wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels) – *in Dutch*

The text covers internal collaboration only, through the establishment of the College for Public Institutions for Social Security. The College is an advisory and coordination body with regard to matters relating to management, personnel policy and the functioning of public social security institutions. The government regularly consults with the Board about the personnel policy and the functioning of the public social security institutions. The Prime Minister, the guardian minister, the minister to whose authority the civil affairs belong and the minister to whose authority the budget belongs, take part in these consultations on behalf of the government. Further clarifications about the nature and frequency of coordination are detailed in a household regulation.

Royal decree establishing the <National> <Security Council> (Koninklijk besluit tot oprichting van de <Nationale> <Veiligheidsraad>) – *in Dutch*

With this decree, Belgium establishes a National Security Council. The decree deals with internal collaboration. The Council is chaired by the Prime Minister and also consists of the Ministers who have Justice, Defense, Interior and Foreign Affairs in their portfolio, and the Deputy Prime Ministers. The members of the government who are not members of the National Security Council may be invited by the Prime Minister to take part in the investigation of matters that concern them in particular. The Administrator-General of the State Security, the Chief of the General Information and Security Service, the Commissioner General of the Federal Police, the Director of the Coordination Body for Threat Analysis, the Chairman of the Management Committee of the Federal Public Service Home Affairs, a representative of the Board of Prosecutors General and the Federal Prosecutor attend the meetings of the Board when the agenda requires their attendance. The Council determines the general intelligence and security policy, ensures its coordination and defines the priorities of the intelligence and security services. The Council is also responsible for coordinating the fight against the financing of terrorism and the proliferation of weapons of mass destruction. The Council also determines the policy on the protection of sensitive information

Agreements and treaties

Cooperation agreement concluded on March 8th 1994 between the Federal State, the Communities and the Regions on the representation of the Kingdom of Belgium within the Council of Ministers of the European Union (Samenwerkingsakkoord van 8 maart 1994 tussen de federale staat, de gemeenschappen en de gewesten, met betrekking tot de vertegenwoordiging van het Koninkrijk België in de Ministerraad van de Europese Unie)

This cooperation agreement lays down the rules of coordination and representation to ensure the proper representation of the Kingdom of Belgium within the Council of Ministers of the European Union, pursuant to the enabling powers conferred by article 81, §6, of the Special Institutional Reform Law of 8 August 1980 as amended by the Special Communities and Regions (International Relations) Law of 5 May 1993. This agreement covers both internal and external collaboration. It discusses structures and procedures for arriving at a common viewpoint among the different Belgian governments. The competent representative of Belgium in the Council of Ministers shall only take a position on matters that have been coordinated in accordance with the provisions of this article. The text also lays down by whom Belgium is to be represented in the Council of the European Union after an agreements has been reached (cf. internal collaboration). Art. 7.2: 2. Where Belgium's seat in the Council of the European Union is to be occupied by the Communities and/or the Regions, representation shall be rotated in accordance with a system designed to take account of the timetable of the European Union's work.

Guidelines/policy papers

Green paper 'governance' (Groenboek 'bestuur') – *Regional level, in Dutch*

In the "green paper Bestuur" the Flemish Government (Departement Kanselarij en Bestuur) refers to collaboration between policy fields, the investment in a management group, and political-administrative collaboration. The "Voorzitterscollege" fulfils thereby a boundary spanning role with the political level, facilitates policy alignment and coordination within the administration and has a networking function. In the "green paper Bestuur" references to collaborative governance are made such as "coproduction and co-creation of services and policy", "provision of governmental tasks in partnership with different partners within the society", "network leadership", "interactive policy-making in all phases of the policy process", "the active involvement of users during the design of new services and the evaluations of existing services", and the "promise to tackle challenges inter-governmental in close dialogue with the other governmental levels". Policy instruments for this purpose can be divided into permanent (such as the Council of Chairmen and prioritized clusters), temporal (working groups, task-forces and hybrid functions between the administration and political level) and other (yearly inter-governmental work programmes and Inter-governmental administrative dialogue on regular moments in time).

Preliminary draft administrative decree (Voorontwerp Bestuursdecreet) – *Regional level, in Dutch*

This regional law among other things clarifies that within each policy field the minister, the department and the agencies will build a structural dialogue and collaboration in order to work towards common goals, with respect for each's role and responsibility. Collaboration and exchange between departments and agencies is necessary in multiple phases of the policy- and management cycle. Within the administrative decree, "internal collaboration" is referred to as collaboration and dialogue. In order to facilitate dialogue within the administration and between the administration and the political level the Flemish government maintained the councils and management committees created in 2004. It contains obligations for the government to seek advice from the strategic advisory boards. The Flemish government also lays down the principal of a consultation platform where citizens can follow-up the administrative work, consult relevant documents and provide feedback on, for example vision papers, concept papers, green and white books and important preliminary drafts of decrees.

Visie 2050 (Vision 2050) – *Regional level*

Vlaanderen in Actie (Flanders in Action - VIA) was a long term vision for 2020. The Governance model of the Vision 2050 is partly inspired by the lessons learned from VIA. Internal collaboration appears within the Vision 2050 in its reference to regular meetings between transition managers within transition platforms in order to exchange ideas and experiences. The Department "Kanselarij en Bestuurs" has a coordinating role in facilitating the work of the transition managers, the Flemish government and the Council of Chairmen) is responsible for safeguarding the coherence between the different transition priorities. The vision 2050 places a lot of emphasis on collaboration with external partners. This is reflected in its reference to co-creation with external stakeholders as well as the overall governance model of shared monitoring, shared evaluations and the organization of an open, multi-stakeholder performance dialogue. The

development of a shared vision and a broadly supported governance model between the stakeholders is fundamental for the achievement of these priorities.

White paper 'Open and Agile Government' (Witboek open en wendbare overhead) – *Regional level, in Dutch*
Both internal and external collaboration is covered in this white paper from 2017. It states that the government will work as a network organization and central to the governments functioning is a culture of collaboration. This collaboration is situated at all layers: within the government, inter-sectoral, between the administration and the political level and between the government and the stakeholders. The document calls for more open, inclusive, interactive, deliberative forms of policy making. The government is seen as a network player who fulfils a facilitating and inspiring role.

Data Protection, Data Sharing and Freedom of information documents

Federal law of February 26th 2003 on the protection of natural persons with regard to the processing of personal data (Wet van 26 februari 2003 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens) – *in Dutch*

The law replaced the federal law of 1992 on the protection and privacy of personal data. The law covers all the information belonging to natural persons, and how to protect and process this information. It does not cover public information. The law states that only those who have an authorization from the privacy commission or any other legal authorization as stipulated in the law, can access personal information. Before the law of 1992, there were already several international and European regulation on the matter (with the European Convention on the Human Rights as the most important). Belgium adopted this regulation via the privacy law of 1992. The purpose of the law was to be a safety net for the gaps in the sectoral regulation. As such, Belgium wanted to give an answer to the growing complexity of the information society (Schram, 2017). Due to the European Data Protection Regulation (GDPR), the federal privacy law will be amended, but the general opinion of experts and practitioners in 2018 is that the law is robust enough to endure after the conversion to the European regulation.

Federal law of April 11th 1994 on the freedom of access and openness of government (Wet van 11 april 1994 betreffende de openbaarheid van bestuur) – *in Dutch*

The law makes a distinction between two types of freedom of information: active (obligation to publish) and passive (obligation to provide when asked) openness. The law also prescribes restrictions on these forms of openness. The law covers all the information belonging to the federal government, and how to enable the public to get access to this information and under which conditions. The law does not cover personal information, only governmental documents. The federal government was the first government in Belgium that implemented article 32 of the Constitution regarding the right of everyone to have access to governmental documents. Because of the choice to separate the federal law on the freedom of access and the transpositions of the EU directive, the legal arsenal was fragmented and the link between the laws became more dubious. The transpositions made new restrictions to the openness and accessibility of government documents possible, and experts argue whether these restrictions were necessary.

Federal law of August 8th 1984 on the creation of a National Identification Register (Wet van 8 augustus 1984 tot de oprichting van een Rijksregister van de natuurlijke personen) – *in Dutch*

The National Identification Register is a national database that is available for government organizations, institutions and citizens if they have the right to access it. Article 1, §3 states that one of the main goals of the Register is to make the exchange of data easier. The other articles stipulate the restrictions of access and the way the data is protection from unauthorized use. The articles also explain how the electronic access works, like electronic ID card, PIN-code for use, and what data is in the Register. The original law of the National Identification Register dates back to 1983, but the law did not create the Register. In fact, the Register was already in place in 1968 but there was no law that mandated its use. Because of its voluntary characteristics, not every citizen was integrated in the Register. 525 of 589 municipalities were already connected to the Register before 1983, but particularly some very large cities (such as Antwerp and Brussels) were not connected, thus resulting in a decentralized administration of identification information. Consequently, the most important purpose of the law of 1983 was to make the use of the Register mandatory. The Register is in itself a practice of collaborative governance. Because of the central authentication, the governments and other institutions work together to make sure the data is always up-to-date.

Federal law of August 15th 2012 on the creation and organization of the federal service integrator (Wet van 15 augustus 2012 houdende de oprichting en organisatie van de federale dienstenintegrator) – *in Dutch*

According to the law, data integration can be seen as the organization of the exchange of electronic data between organizations, and the integrated unlocking of the data. The law defines the word "network" as the set of databases, authentic data sources, ICT-systems and network infrastructure of the participating government institution and the federal service integrator who are connected via the federal service integrator (Fedict). The law describes the tasks of the

federal service integrator as the organization that is responsible for the treatment of questions and cases regarding the connection of organizations to the centralized or decentralized authentic data sources. It is responsible for the sharing of data between different authentic data sources and for the access to those sources. The law covers the information that is contained in the authentic databases (for example the National Identification Register), but it does not contain a description of those databases/sources. A service integrator is a broker that connects different databases, which are in turn specified in the relevant laws. The creation of Fedict and the conversion of the agency in a service integrator has had a natural evolution. From the beginning, the mission and vision of the agency was to support the extension of ICT in government, independent of the government level (federal, regional, local). The next step was to integrate the several data sources, in order to integrate the silos in the government levels.

Federal law of January 15th, 1990 on the creation and organization of the crossroads bank of social security information (Wet van 15 januari 1990 houdende oprichting en organisatie van een Kruispuntbank van de sociale zekerheid) – *in Dutch*

In the mid-80s, the combination of a more complex information environment and the fragmentation of the social services, led to the need for a more centralized or - at least – a more linked information structure regarding social security information. All the information and data which is needed to provide the services demanded by the social security regulation is covered by the law. It also contains health information. The law has been amended many times, often in response to new or changing European regulation.

Federal law of August 21th, 2008 on the creation and organization of the eHealth platform (Wet van 21 augustus 2008 houdende oprichting en organisatie van het eHealth-platform en diverse bepalingen) – *in Dutch*

The eHealth law was triggered due to the fragmentation of services and information management in the health sector. There were over 2000 health sector actors, which were not connected. Problems like a lack of efficiency in health and social services and the large administrative burden that came along with the uncoordinated way the information management was organized, were the main reasons for the creation of the law. Article 4 describes the goal of the law: "the eHealth platform has the purpose of – via a mutual electronic service and information exchange between all actors in the health sector, organized with the required insurances with regard to information protection and the protection of the natural persons, to optimize the quality and continuity of the health sector services and the protection of the patient – to simplify the administrative formalities for all actors in the health sector and to support the health policy." The law contains a collaborative governance incentive and mechanism in the Conciliation Committee. The purpose of this committee is to enhance the electronic exchange of patient information. The committee is mandated to advise the management committee of the eHealth platform and to search for opportunities to enhance the level of exchange of information, the protection of data and the openness of information. The Concilliation Committee contains physicians, representatives of patient organizations, representatives of health insurance organizations, and representatives of government agencies such as the federal agency for health.

Legal Code Economical Law (2013), title 2: Crossroads bank for businesses and the recognized entrepreneurial offices (Wetboek Economisch recht (2013), titel 2: Kruispuntbank Ondernemingen en erkende ondernemingsloketten) – *in Dutch*

The purpose of the crossroads bank is to realise unique data gathering thereby simplifying the administrative processes and stimulating the efficient functioning of government agencies and services. It also refers to the unique business number that is used in the crossroads bank. The crossroads bank is mandated to provide business information regarding the identification of businesses and has to make an efficient exchange of information possible. It does so by creating links to websites and databases of government, agencies and service providers, and creating links to websites of the businesses integrated in the crossroads bank. There is some information everyone can access without an authorization of the sectoral committee, such as the name of the company, the legal person, the business number. Information not mentioned in art. III 29 is not accessible without an authorization of the sectoral committee. The crossroads bank is a practice of collaborative governance. Because of the central authentication, the governments and other institutions work together to make sure the data is always up-to-date.

Cooperation agreement of August 26th, 2013 between the federal government, the communities and the regions on the harmonization and alignment of initiatives with regard to the realisation of integrated e-government (Samenwerkingsakkoord van 26 augustus 2013 tussen de federale, gewestelijke en gemeenschapsoverheden voor het harmoniseren en uitlijnen van de initiatieven die de realisatie van een geïntegreerd e-government beogen) – *in Dutch*

This cooperation agreement between governmental levels defines e-government as an integrated e-government that is the combination of connected administration that use information and communication technologies to realize their tasks, and to provide to their users with transparent, protected and accessible information, the possibility to carry out end-to-end transactions and the possibility to assign automatically the rights for authorization. The fact that the cooperation agreement was accepted by all involved governments shows that e-government has the potential to bring governmental levels together and let them work together to realise common principles on e-government. This is visible throughout different codes. The governmental levels use the same concepts such as unique data gathering, only once principles, service integrators, re-use of data, etc. As with other codes, this law is a materialization of the collaboration between governmental levels in the field of e-government.

Flemish decree of July, 18th 2008 on the electronic governmental data traffic (Vlaams decreet van 18/07/2008 betreffende het elektronische bestuurlijke gegevensverkeer) – *in Dutch*

The key reason to adopt this decree was the need for more exchange of information between the governmental levels and diverse governmental bodies. Thus, the decree strengthens internal collaboration within the Flemish government. The definitions of the electronic governmental data traffic, authentic data sources, privacy regulation and supervisory bodies emphasise the principles of data sharing. Especially the definition of the electronic governmental data traffic is interesting in this regard: "the traffic of data in and between governmental bodies using

electronic systems". Updates in 2015 concerned implementation of changes of the directive of 2003 of the European Commission. The EU General Data Protection Regulation may create a need for further changes.

Flemish decree of March 26th, 2004 on the openness of government and freedom of information (Vlaams decreet van 26/03/2004 betreffende de openbaarheid van bestuur) – *in Dutch*

The current decree is the third decree on the openness of government. It replaced the decree of 1999 on the openness of government. The first decree on the matter was that of October 23th, 1991. The decree also replaced the (federal) law of 1997 on the openness of government in municipalities and provinces. The decree makes a distinction between two types of freedom of information: active (obligation to publish) and passive (obligation to provide when asked) openness. The decree states that everyone can access governmental documents, under the conditions as stated in the law.

Flemish decree of April 27th, 2007 on the re-use of public information (Vlaams decreet van 27/04/2007 betreffende het hergebruik van overheidsinformatie) – *in Dutch*

The main goal of the decree was to transpose the European Directive of November 17th, 2003. The member states had to conform to the conditions this Directive stipulated if they allowed the re-use of public information. Several consultation bodies of the Flemish government raised questions about the need to have a decree on the openness of government and one on the re-use of public information. The Minister responded that the two pieces of regulation were grounded on different principles: the decree on the openness of government is grounded in the Constitution, while the decree on the re-use of information is grounded in European regulation. The Minster confirmed also that he had the intention to evaluate the decree periodically, but that a mandatory evaluation integrated in the decree (as with the decree on the openness of government) was not necessary. The decree covers all information under the responsibility of the Flemish government, with the exception of the restrictions stipulated in article 2/1 of the decree and no personal data. The decree states that everyone can access governmental documents, under the conditions as stated in the law.

Germany

Table 8: Overview of the selected texts from the Germany

Constitution
Basic Law for the Federal Republic of Germany
Agreement and treaties
State treaty on the establishment of the IT Planning Council and on the principles of cooperation underlying the use of information technology in the administrations of the federation and the Länder – *in German*
State Treaty between the state of Schleswig-Holstein, the Free and Hanseatic City of Hamburg, the state of Mecklenburg-Western Pomerania, the Free Hanseatic City of Bremen, the state of Lower Saxony and the state of Saxony-Anhalt on the accession of the state of Saxony-Anhalt to the legally-authorized public-law institution "Dataport" - *in German*
National law
Administrative Procedure Act
Administrative regulation/instruction
Joint Rules of Procedure of the Federal Ministries – *in German*
Data Protection, Data Sharing and Freedom of information documents
Federal Data Protection Act
Federal Act Governing Access to Information
Act to Promote Electronic Government
Federal Law to Improve Online Access to Administrative Services - *in German*

Constitution

Basic Law for the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland)
The present Constitution considering the reunification of Germany is a slightly amended version of West Germany's 1949 Constitution. The Basic Law was amended by the Unification Treaty and the Federal Statute in 1990. Since 1949, it has been amended 62 times, lastly by Article 1G of 13 July 2017 (GG 2017). The Basic Law makes particularly references to vertical internal collaboration in the section on matters under exclusive legislative power of the federation and in the section on Joint tasks of the federation and the Länder (federal states). Especially Article 91c (1) calls for further inter level collaboration for IT infrastructure and ICT services. The Basic Law makes no explicit reference to external collaboration. Though, it implicates the need for a collaborative environment for securing peace and justice, it explicitly forbids the external collaboration between state and church, and has provisions for municipal self-governance and legal duty to intervene and remove a source of injury or damage that one has created that may affect the scope for collaboration. The use of operating information technology systems in processes of collaboration between the federal government and the Länder is foreseen in the Constitution.

Agreements and treaties

State treaty on the establishment of the IT Planning Council and on the principles of cooperation underlying the use of information technology in the administrations of the federation and the *Länder* –
State treaty to implement Article 91c of the Basic Law ("IT-Staatsvertrag" Vertrag über die Errichtung des IT-Planungsrats und über die Grundlagen der Zusammenarbeit beim Einsatz der Informationstechnologie in den Verwaltungen von Bund und Ländern – Vertrag zur Ausführung von Artikel 91c GG (GGArt91cVtr)

The state treaty aims at implementing Article 91c of the Basic Law. In this context it established the IT Planning Council, which replaced the former Committee for Automatic Data Processing at the federal, state, and local levels (KoopA ADV) with respect to the technical coordination at state and local levels. The state treaty makes explicit reference to internal vertical collaboration: The IT Planning Council is responsible for steering and coordinating cross disciplinary, thus collaborative eGovernment projects. In particular and according to Article 91c of the German Basic Law, the council is tasked with the coordination of the cooperation between federation and the states in the field of ICT; decisions on interdisciplinary interoperability and security standards; the steering of eGovernment projects; and the planning and implementation of the core network infrastructure according to the Law on Linking up Federal and Land IT Networks. The state treaty makes no direct reference to external collaboration. However, in Section 3 on Specification of IT interoperability and IT security standards it implicates collaborative efforts in regard to knowledge and information sharing with citizen, industry and academia. Instruments used include: Framework for the coordination of IT matters between federation and Länder, and the establishment of an IT-Planning Council. In the IT Planning Council, collaboration takes the form of joint decisions and recommendations. In operational terms, collaboration takes the form of IT projects, measures and software applications. For this purpose, joint collaboration or project groups, offices or coordination offices are formed, usually staffed by employees of the federal, state and local governments.

State Treaty between the state of Schleswig-Holstein, the Free and Hanseatic City of Hamburg, the state of Mecklenburg-Western Pomerania, the Free Hanseatic City of Bremen, the state of Lower Saxony and the state of Saxony-Anhalt on the accession of the state of Saxony-Anhalt to the legally-authorized public-law institution "Dataport " (Staatsvertrag zwischen dem Land Schleswig-Holstein, der Freien und Hansestadt Hamburg, dem Land Mecklenburg-Vorpommern, der Freien Hansestadt Bremen, dem Land Niedersachsen und dem Land Sachsen-Anhalt über den Beitritt des Landes Sachsen-Anhalt zur rechtsfähigen Anstalt des öffentlichen Rechts „Dataport") – *in German*
This document was drawn up in 2003 as a state treaty between two federal states (the state of Schleswig-Holstein and the Free and Hanseatic City of Hamburg) on the establishment of "Dataport" as a public law corporation. Amendments have provided accession of further federal states. The document is set out to regulate and intensify the internal collaboration between the contractors by defining Dataport as the IT-service provider jointly supported by the contracting

federal states and the local authorities. The document focuses on external collaboration between the contracting federal states and "Dataport" as the central service provider in the field of IT. The extent of external cooperation varies between the individual states: The states of Mecklenburg-Western Pomerania and Lower Saxony agreed on "Dataport" as service provider only for the area of IT-support of tax administration via the "Data Center Steuern" (DCS). Furthermore, in Article 3 (2) the contract allows agreements with third parties: "Dataport can be used for tendering services to third parties, founding new companies and investing in external companies."

National law

Administrative Procedure Act (Verwaltungsverfahrensgesetz)
The Act came into force in 1977. Act III amending provisions of administrative procedure law explicitly opened the Administrative Procedure Act for electronic communications. The changes became effective in 2003. It was last amended by Article 11 of 18 July 2017 (BGBl. I S. 2745). The Act makes explicit reference to horizontal internal collaboration. It allows the enhancement of information sharing and standardization of administrative procedures between different levels and bodies of the state and mandates assistance and cooperation with the European Union. The 2003 inserted Article 3a enables as a general clause for eGovernment in particular electronic administrative acts and applications. Uniform rules were incorporated into the administrative procedure laws of the *Länder*. With regard to external collaboration, in Article 54 the Act takes up agreements under public law including collaborative agreements between public administration and public private partnerships.

Administrative regulation/instruction

Joint Rules of Procedure of the Federal Ministries (Gemeinsame Geschäftsordnung der Bundesministerien)
This regulation sets out the relationship among public authorities. It regulates the organization and collaborative procedures within the German federal ministries, the ministries among themselves and their cooperation with other constitutional bodies. Several sections deal with both horizontal and vertical internal collaboration, for instance the promotion of IT-supported internal cooperation of the federal ministries and collaboration between and among the German Bundestag, the Bundesrat, *Länder* and the European Union. The regulation indirectly addresses external collaborative approaches in regard to compliance costs respectively restrictions on international exchange. If there are international negotiations and conferences concerning the elaboration of agreements under international law, the lead ministry must inform the Foreign Office well in advance of the start of the negotiations and seek its approval. For new regulatory projects, the Federal Government has to estimate and report all expenses that incur for citizens and businesses. Authored by an interministerial working group under the direction of the Federal Ministry of the Interior in 2000, this version of the rules of procedures replaced the former Joint Rules of Procedure I and Joint Rules of Procedure II as well as the "Recommendation on the use of electronic communications systems, taking into account the rules of procedure I".

Data Protection, Data Sharing and Freedom of information documents

Federal Data Protection Act (BDSG, Bundesdatenschutzgesetz)

Germany has been a forerunner in terms of data protection and enacted the first Data Protection Act at the federal level in 1977, with the Act Concerning the Abuse of Data in Data Processing. Such law was then replaced in 1990 with a new Federal Data Protection Act (FDPA), which incorporated the constitutional right to "informational self-determination," established in the *Census Decision* of the German Federal Constitutional Court (FCC) in 1983. The decision prohibits the handling of personal data unless specific statutory authorization is given or the data subject consents. Despite several amendments, the Act of 1990 is still in effect. A recent major amendment came into effect in 2016; it increased the independence of the German Data Protection Authorities and subjected the Federal Data Protection Commissioner to parliamentary and judicial control. The law covers personal data, defined as "any information concerning the personal or material circumstances of an identified or identifiable individual (the data subject)" (Article 3). Everyone can request to access data concerning them and be informed on the nature of the data, to whom the data are transmitted, and on the purpose of storage. There are limitations to the right of access in case, for example the provision of the requested data can be detrimental for the administration performance or for public safety.

Federal Act Governing Access to Information (IFG, Informationsfreiheitsgesetz)

Germany was for a long time the only major country in Europe without a freedom of information law. In fact, the government did not ratify the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted on June 25, 1998. The law was first adopted in 2005 and it is an implementation measure of German Constitution, which protects freedom of expression and the right to information found in "generally accessible sources" (Article 5). The law was then amended in 2013. The law stipulates that everyone is entitled to official information, which may be provided verbally, in writing or in electronic form. The authority is not obliged to verify that the contents of the information are correct. The law has met two implementation issues. First, the interest in filing requests, although increasing over time, has generally been low in Germany. This has spurred collaborative innovation, since a digital platform enabling easier access and raising awareness was created by a non-governmental organization. Second, agencies often claim exemptions to protect specific information from being disclosed.

Act to Promote Electronic Government (EgovG, E-Government Gesetz)

The law was adopted and came into effect in 2013. The adoption was part of the coalition agreement between the CDU/CSU and SPD during the 17th legislative session. The objective of the law was to reduce any barrier to electronic communication for the Administration. Moreover, the law was expected to have an impact on all administrative levels in terms of easy, user-friendly and efficient digital service provision. The law was amended in 2017. The most relevant change in the amended version is the introduction of the concept of Open Data. Direct federal authorities are obliged to provide raw data stored in an electronically structured form on publicly accessible networks. Moreover, the new law foresees the establishment of a central support

agency for open data. The law grants access to data to anyone in form of a print-out of the concerned documents; displaying the electronic documents on a screen; transmitting electronic documents; or permitting electronic access to the content of the files. Furthermore, the principle of barrier-free accessibility is pointed out in article 16.

Federal Law to Improve Online Access to Administrative Services (OZG, Onlinezugangsgesetz) – *in German*

The law was adopted holding the promise of helping Germany improve its low e-government performance. The law was first adopted in 2017 and it is an implementation measure of article 91c of the Constitution, which foresees the use operating information technology systems (i.e. online portals) in processes of collaboration between the federal government and the *Länder*. Moreover, the law is conceived to help administrations to collaborate with each other, and not only to help citizens and business to having a direct and efficient access to the administration. The law covers all administrative procedures and all related necessary user information. (art. 3). The law grants access to all "users", as those who use digital public services, e.g. citizens and business.

The Netherlands

Table 9: Overview of the selected texts from the Netherlands

National Laws
Inter-municipality collaboration: Law of Joining Arrangements – *in Dutch*
Public procurement in the Netherlands
Guidelines/policy papers
Code for Good Public Governance: principles of proper public administration
Model DBFMO Agreement Government Building Agency 2012 and Model DBFM Agreement Directorate-General Waterway and Public Works
Data Protection, Data Sharing and Freedom of information documents
The Data Protection Act
Guidance to the General Data Protection Regulation
Act on Public Access to Government Information – *in Dutch*
Act of Re-use of Government information – *in Dutch*

National Laws

Inter-municipality collaboration: Law of Joining Arrangements. (Intergemeentelijke samenwerking: Wet gemeentschappelijke regelingen) – *in Dutch*

The current law dates from December 20, 1984 and was last modified on January 1, 2015. The law texts allows municipalities to work together to design and implement public policy. Municipalities often decide to work together to execute tasks more effectively and efficiently. Dutch municipalities work together in different policy areas, ranging from social policy to security law. Sometimes cooperation is prescribed by law, as with the security regions, but most of the time the cooperation is voluntarily, for example in waste processing, a joint social service or tax cooperation. Every municipality in the Netherlands participates in various WGR schemes and (VNG, 2014).

Public procurement in the Netherlands, the practical law in Dutch, in English and explanation in English.

These documents outline the legal framework of public procurement, which involve private partners in external contractual/remuneration-based collaboration. "Procurement is the way for governments to place orders on the market. With a tender they get the best price-quality ratio. Governments must adhere to tendering procedures when choosing a company. This is what the Public Procurement Act prescribes. The law is based on the following codes of good collaboration (...): *Non-discrimination:* governments cannot make a distinction according to nationality. *Equal treatment of entrepreneurs:* governments must treat everyone in the same way. And everyone gets the same information. *Transparency:* entrepreneurs receive insight and information about tenders. *Proportionality:* the requirements imposed by governments in tendering procedures are proportional to the activities of the assignment and its size".

Guidelines/policy papers

Code for Good Public Governance: principles of proper public administration (Nederlandse code voor goed openbaar bestuur: beginselen van deugdelijk overheidsbestuur)
Issued by the Ministry of the Interior and Kingdom Relations in 2009, this report explains the Netherlands Code for Good Governance. The text indirectly refers to both internal and external collaboration expressed in general principles of good governance that the government must follow, such as openness and integrity, participation, appropriate contact with the public, effectiveness and efficiency. Acceptance of the Code is voluntarily, but it sets a clear standard for how public sector organizations, politicians and officials ought to behave in practice.

Model DBFMO Agreement Government Building Agency 2012 and Model DBFM Agreement Directorate-General Waterway and Public Works
Public-private partnerships (PPP) and collaborations take many forms. The Dutch central government understands PPP as DBFM(O), Design, Build, Finance, Maintain, Operate. DBFM is used for infrastructure projects. DBFMO is most commonly used for government building projects.

Data Protection, Data Sharing and Freedom of information documents

The Data Protection Act (Wet Berscherming Persoongegevens)
The law is in force as of 1 January, 2016. The Data Protection Act follows many European Regulations that apply to the field of data protection. The Act sets out procedures for processing of personal data (either processed automatically or as a part of a filing system). The Act also sets out exemptions from the law, such as processing of data for journalistic purposes.

Guidance to the General Data Protection Regulation (Handleiding Algemene verordening gegevensbeschermingen Uitvoeringswet Algemene verordening gegevensbescherming)
The guidance issued by the Ministry of Justice and Security in 2018 provides guidelines for the new National Law, and is based on the European Regulation of Data Protection. The General Data Protection Regulation (GDPR) intends to strengthen and unify data protection for all individuals within the European Union (EU). The old regulation was no longer sufficient to deal with the dynamics of the current digital world. The law text is yet to be implemented.

Act on Public Access to Government Information (Wet Openbaarheid van Bestuur) – *in Dutch*
The Act on Public Access to Government Information was a law from 1991, which was amended on 13 July 2016. To prevent misuse of the Act, the Law on penalties and appeals in case of late decision making, is no longer applicable. This prevents the submission of requests that are not aimed at obtaining information, but at collecting money if an administrative body does not decide on time. In the Netherlands, citizens are entitled to government information. This includes information about how the government acts, the rationale behind the act and how the decision

was made. Public sector/ government information is publicly accessible, unless otherwise specified in law. The Dutch government provides information through their website, press releases and advertising.

Act of Re-use of Government information (Wet hergebruik van overheidsinformatie) – *in Dutch*

The Act gives citizens the right to request information that was already publicly disclosed by the government, and for it to be re-used for other purposes (including commercial purposes). The rules were first included in the Act on Public Access to Government Information. Because the former is primarily intended to control the legitimacy of government action, while this one has more economic and competitive principles, it was deemed necessary to regulate the re-use of government information in a separate law. Additionally, the amendment of the European Directive "Re-use of Government Information" provided a reason for the establishment of this new Dutch law, which came into force on 24 June, 2015.

Chapter 8: Tradition: Central/Eastern European (Post-communist)

Estonia

Table 10: Overview of the selected texts from Estonia

Constitution
Constitution of the Republic of Estonia, RT 1992, 26, 349
National Laws
Civil Service Act, RT I, 06.07.2012, 1
Administrative regulations/instructions
Code of Ethics for Officials
Types of strategic development plans and the procedure for their preparation, updating, implementation, evaluation and reporting, RT I 2005, 67, 522 – *in Estonian*
Rules for Good Legislative Practice and Legislative Drafting
Guidelines/policy papers
Engagement Practices
Guidelines for Development of Legislative Policy until 2018
Data Protection, Data Sharing and Freedom of information documents
Public Information Act, RT I 2000, 92, 597
Personal Data Protection Act, RT I 2007, 24, 127

Constitution

Constitution of the Republic of Estonia, RT 1992, 26, 349 (Eesti Vabariigi põhiseadus, RT 1992, 26, 349)

The Constitution of 1992 replaced the 1937 Constitution and became the new Constitution after Estonia regained its independence from the Soviet Union. The 1992 Constitution has been amended five times, and some of these changes broadly dealt with collaboration. For instance, the amendment involved lowering the age requirement of voting in the elections of local authority from the age of eighteen to sixteen aimed at encouraging more young people in an aging society to participate in the local debates and decision-making. It can therefore be qualified as an attempt to improve external collaboration with the citizens. The term collaboration is not explicitly mentioned in the Constitution. However, as it provides a legal framework for regulating the state institutions, it also implies their internal collaboration. There are a few articles that refer indirectly to external collaboration, especially the duty to provide information to citizens and the right of citizens to address informational letters and petitions to government agencies, local authorities, and their officials.

National laws

Civil Service Act, RT I, 06.07.2012, 1 (Avaliku Teenistuse Seadus, RT I, 06.07.2012, 1)

The purpose of the new Civil Service Act replacing the 1995 Civil Service Act (that was the first Public Service Act of post-Communist Estonia), is to modernize the legal regulation of the civil service and bring it into accordance with the general principles of internationally recognized public service. There are some indications about the internal collaboration in the Civil Service Act through the promotion of cooperation and also sanctioning of non-cooperation. Furthermore, based on the article 9 the Ministry of Finance is responsible for the coordination of the development of civil service and organising the administration of the state personnel and payroll database. Finally, in the article 12 is stated the requirement for creating a Code of Ethics for Officials, which serves as a base for common values in the civil service. External collaboration is not covered. In terms of actors involved, there is an expectation for various government authorities to implement temporary transfers of officials to promote collaboration. Also, the ac states that the secretary general of a ministry is supposed to collaborate with the minister. Failure to do so will result in the release of the secretary general. The Act established the Top Civil Service as a separate civil service category consisting of around 100 top level officials. Their common competency model, recruitment and selection procedures and development activities form a basis for internal collaboration on the highest non-political level of the civil service.

Administrative regulations/instructions

Code of Ethics for Officials (Ametniku Eetikakoodeks)
The purpose of the Code is to give an overview of the ethical principles and underlying values required from the civil servants. A number of statements relate to internal and external collaboration. The text explicitly mentions cooperation and openness as important values in the organisational culture. It also addresses trade-offs that may need to be done in the name of efficiency. "The greatest challenges in regard to inclusion are related to the balancing of the positions of stakeholders and to the efficiency of the process. Since not all of the proposals of cooperation partners and stakeholders can be taken into account, it is important to state reasons for agreeing or disagreeing with a proposal." (page 15) Officials should involve stakeholders in the decision-making (policy) process, and it is mentioned that the behaviour of an official is important since it "shapes the reputation of the civil service and people's opinions of the state and their organisation. Thus, the official can only act with respect and politeness towards cooperation partners, residents, associations and the media." (page 5)

Types of strategic development plans and the procedure for their preparation, updating, implementation, evaluation and reporting, RT I 2005, 67, 522 (Strateegiliste arengukavade liigid ning nende koostamise, täiendamise, elluviimise, hindamise ja aruandluse kord, RT I 2005, 67, 522) – *in Estonian*
Based on the article 1 "this Regulation establishes the types of strategic development plans to be developed by the executive authorities and their procedures for the preparation, updating, implementation, evaluation and reporting." Both internal and external collaboration is covered. Internal collaboration appears in the text in five articles, focusing on highlighting the involvement of several institutions. External collaboration appears in the text as "interested parties" that should be involved in several stages. The regulation does not specifically describe through which

collaboration instruments collaboration is executed. Only the requirement to include the collaboration parties into the development plan is stated in the article 6 (2) 3).

Rules for Good Legislative Practice and Legislative Drafting (Hea õigusloome ja normitehnika eeskiri)

The aim of the regulation is to establish rules for good legislative practice and legislative drafting. Internal collaboration appears in the text in the article 50 (1): "The part of an explanatory memorandum titled "Eelnõu kooskõlastamine, huvirühmade kaasamine ja avalik konsultatsioon" [Approval of draft, involvement of interest groups and public consultation] sets out: 1) the state or local authority to whom the draft was submitted for approval or for the receipt of an opinion and the public institution, interest group or expert concerned to whom the draft was submitted for the receipt of an opinion and proposals." External collaboration is covered in how interest groups and the public should be involved in the legislative process, including in drafts and ex-post impact assessment.

Guidelines/policy papers

Engagement Practices (Kaasamise hea tava)

The objective of the Engagement Practices document of 2011, replacing a previous 2005 version, is to harmonize the principles, from which the public sector institutions and non-profit organizations can proceed in involving the public and interest groups in decision-making. The document focuses on external collaboration through 7 main principles, which place great importance on the clarity of goals, openness of relationships, and dedication to goals. The Engagement Practices are a basis for non-profit organizations and government institutions to work out more specific engagement directives for themselves and to find answers to questions that arise in the practice of engagement. Communication channels should be selected to take into account how citizens and organizations can access documents that are intended for consultation, but it is specified that if the broader public is intended, the documents should be made available in a specific web platform (Information System of Draft Acts and Participation Web).

Guidelines for Development of Legislative Policy until 2018 (Õiguspoliitika arengusuunad aastani 2018)

The guidelines seek to generally improve the quality of the legislative process. Internal collaboration is present throughout the document, because law drafting process requires collaboration between various ministries and government institutions. External collaboration is stated in the fourth section through the three points focusing on the involvement of stakeholders. Persons affected by the regulation should be consulted in several steps, specified as the intent of developing a draft, concept of the draft and the draft itself. External collaboration is also mentioned in the sixth section about organisations contributing to quality, where it is stated that there should be cooperation with research institutions.

Data Protection, Data Sharing and Freedom of information documents

Public Information Act, RT I 2000, 92, 597 (Avaliku teabe seadus, RT I 2000, 92, 597)

The Public Information Act was the first to specifically regulate access to public information. Through the act legislators hoped to achieve better transparency and control over the exercise of public authority. The Act was prepared by a working group of 12 persons, formed by a directive of the Minister of the Interior. The Act has been amended 33 times, with one amendment in 2009 being of particular importance for collaborative governance. The amendment established the Estonian Information Gateway to allow access to public information based on co-operation of holders of information, including actors both internal and external to the government. Internal collaborative governance principles can also be seen through the requirement to cooperate with the Estonian Information System's Authority, the Data Protection Inspectorate and the Statistics Estonia for the approval of the technical documentation of databases.

Personal Data Protection Act, RT I 2007, 24, 127 (Isikuandmete kaitse seadus, RT I 2007, 24, 127)

Already in the 1990s, well ahead of Estonian membership in the European Union, personal data protection in Estonia was based on European law. The first Personal Data Protection Act came into force in 1996 and a second one in 2003. The reason for drafting the latest Act, that was passed in 2007 and entered into force in 2008, came from the need to improve the shortcomings encountered in the implementation of the 2003 Act. More precisely, the processing of personal data which is lawfully used for public use had to be included and the principles of personal code processing, as well as the processing of personal data for scientific and statistical purposes, had to be reviewed.

Hungary

Table 11: Overview of the selected texts from Hungary

Constitution
The Fundamental Law of Hungary
National Laws
Act CXXX of 2010 on the Adoption of Legislation - *in Hungarian*
Act CXXXI of 2010 on Public Participation in Developing Legislation
Act XCIII. Of 2011 on the National Economic and Social Council - *in Hungarian*
Administrative regulations/instructions
Government decree 301/2010 (XII.23) on making public and [accepting] comments on draft legislation and legislation concepts - *in Hungarian*
Code of Ethics for the Chamber of Hungarian Government and State Officials- *in Hungarian*
Government Resolution 1115/2013 (III.8) about the framework for territorial coordination of the 2014-2020 resources- *in Hungarian*
Guidelines/policy papers
Worth knowing about societal dialogue – methodological guideline about carrying out societal-professional dialogues - *in Hungarian*
Public Administration and Public Service Development Strategy, 2014-2020 - *in Hungarian*
Public Administration and Civil Service Development Operational programme 2014-2020 - *in Hungarian*
Data Protection, Data Sharing and Freedom of information documents
Act CXII of 2011 on Informational Self-determination and Freedom of Information - *in Hungarian*
Code of Ethics of the Chamber of Hungarian Government and State Officials - *in Hungarian*

Constitution

The Fundamental Law of Hungary (Magyarország Alaptörvénye)
The Fundamental Law of Hungary replaced the 1949 Constitution of Hungary, which had been completely overhauled during the transition years in 1989, making Hungary into a parliamentary democracy. The Fundamental Law has been amended five times. The Fundamental Law makes no direct and explicit references or statements to internal collaboration, either vertical or horizontal, apart from direct listings of competences of various state organs. However, one reference to cooperation is made in the section on local governments: Article 34 (1) "Local governments and state organs shall cooperate to achieve community goals. An Act may set out mandatory functions and powers for local governments. For the performance of their mandatory functions and powers, local governments shall be entitled to proportionate budgetary and/or other financial support." Regarding external collaboration, it makes no direct references but the preamble emphasizes that "individual freedom can only be complete in cooperation with others". Moreover, the closing words "May there be peace, freedom and accord" indirectly assumes processes of cooperation, and article VIII(4) states that the State may cooperate with religious communities in order to achieve community goals.

National Laws

Act CXXX of 2010 on the Adoption of Legislation (2010. évi CXXX. Törvény a jogalkotásról) – *in Hungarian*

The previous version of the law (Act XI of 1987) was declared unconstitutional in Resolution 121/2009 (XII. 17.) of the Constitutional Court, on the grounds that 1) sources of law should be regulated by the constitution alone, while the Act on the adoption of laws should regulate the process of law-making; 2) the previous law was no longer in compliance with changed constitutional law. The law has one relevant provision for external collaboration. According to 19. § (1), if a law provides for a state, local governmental or other organisation to provide its comments/opinion on a draft law, the organisation preparing the law in question must enable the exercising of this right, and in accordance with the Act of Parliament on Public Participation in developing laws, for the draft to be accessible and available for comments.

Act CXXXI of 2010 on Public Participation in Developing Legislation (2010. évi CXXXI. törvény a jogszabályok előkészítésében való társadalmi részvételről)

According to the government that tabled this Act, the aim of the legislation was to strike a balance between "the widest possible societal (public) participation" and maintaining "the effectiveness of preparing new legislation". The provisions on general consultation expanded existing electronic freedom of information legislation, for instance by the requirement that not only draft legislation but also summaries of comments need to be made public. The Act deals with external collaboration, and there are no provisions for internal collaboration. The introduction mentions the "cooperation of the Government with interested civil society organizations." Article 1(1) defines the scope as the "commenting by natural persons and non-governmental and non-municipal organisations of legislative drafts prepared by the ministers (hereinafter: public consultation)." Among fundamental principles laid down in Article 2 are that the "widest possible range of comments (...) shall be made public", emphasizing "in particular those of socio-economically marginalised and disadvantaged groups". The law distinguishes between general and direct consultations. The key difference is that direct consultations comprises a more extensive and long-term involvement in public policy making. The latter is usually based on a partnership agreement and involves strategic partners.

Act XCIII. Of 2011 on the National Economic and Social Council (2011. évi XCIII. Törvény a Nemzeti Gazdasági és Társadalmi Tanácsról) – *in Hungarian*

The law regulates the aim, tasks and working procedures of the National Economic and Social Council. It replaced a previous law that regulated the "National Interest-mediation Council", which was a tripartite body for government, employers and employees. It covers external collaboration through setting up the Council in order to recognize the importance of social dialogue in terms of developing economic and social policy, which in turn will help to achieve consensus among various interest groups of the society. The document also mentions the importance of drawing on experiences of EU member states and the values of the European Union.

Administrative regulations/instructions

Government decree 301/2010 (XII.23) on making public and [accepting] comments on draft legislation and legislation concepts (301/2010. (XII. 23.) Korm. rendelet a jogszabálytervezetek és szabályozási koncepciók közzétételéről és véleményezéséről) – *in Hungarian*

The decree lays down some detailed rules for implementing Act CXXXI of 2010 on Public Participation in Developing Legislation. It contain rules on making draft legislation accessible online and rules on how comments should be collected and summarised.

Code of Ethics for the Chamber of Hungarian Government and State Officials (Magyar Kormánytisztviselői és Állami Tisztviselői Kar Hivatásetikai Kódexe) – *in Hungarian*

In 2013, the Ministry of Public Administration and Justice prepared a previous code of conduct/ethics for civil servants (also known as the Green Book). Its adoption was controversial partly because the code formulated regulations/expectations for conduct outside work time as well. This Code came in effect from December 2017 and was authored by the Chamber of Government and State Officials, which was established in 2011 with the main goal of serving as professional representation and professionalism and ethical conduct. Its members are the employees of the central and territorial public administration agencies (ministries etcetera). Internal collaboration is covered indirectly; there are several provisions about collegiality and helpfulness to colleagues, but not concerning cooperation and collaboration. External collaboration is covered in that civil servants should follow the general principle that there should be cooperation with those affected. Principle II/15 of the Green Books highlights the importance to act in a transparent manner: "We do everything within our powers for citizens to be able to access information of public interest pertaining to our work in the easiest possible way and under equal conditions."

Government Resolution 1115/2013 (III.8) about the framework for territorial coordination of the 2014-2020 resources (1115/2013. (III. 8.) Korm. határozat a 2014-2020 közötti források területi koordinációjának kereteiről) – *in Hungarian*

This resolution highlights the requirement of internal collaboration for successful usage and disbursement of EU funds. The key purpose of the document is to set out the relationship between the central administration and regional/sub-national administrative units. It says that the "government agrees that (...) in the interest of regular, transparent and efficient financing of territorial needs at the level of regions (*megyek*) within the framework of the territorial development programs, it is necessary that these are developed in harmony with the regions' planning and policy sector strategies and reforms and the programs of the entire country the system of European Cohesion Policy." The government asks the Ministry of National Economy, together with the Office for National Economic Development and the leading Minister of State for Public Administration at the Prime Minister's Office, to ensure that directions and coordination happens with the regions and cities with regional status."

Guidelines/policy papers

Worth knowing about societal dialogue – methodological guideline about carrying out societal-professional dialogues (consultations) **(Mit érdemes tudni a társadalmi egyeztetésekről – módszertani segédlet a társadalmi-szakmai egyeztetések (konzultációk) lebonyolításához)** – *in Hungarian*

Authored by the Office for National Economic Planning in 2012, the document differentiates between different types of consultations (e.g. formal and informal), where a "partnership" referring to a long-term permanent relationship is the most advanced one. It elaborates on principles of good consultative practice, presenting an ideal model whereby consultation takes place in the preparation of a document and is thereby more than just reactions to an existing document. It also contains practical tips and a template for how to document consultations. While the document can be used by anyone in the government sphere who plans or is expected to conduct consultations in any form, it primarily targets various government representatives involved in spatial (regional) economic development and for that purpose lists the various types of actors that may be included in such consultations. A list of further reading includes examples from Scotland, Australia and the UK. The document also lists references to Hungarian resources. The document also covers internal collaboration in the sense that several public agencies may be involved in dialogue that requires coordination.

Public Administration and Public Service Development Strategy, 2014-2020 (Közigazgatás-és Közszolgáltatás-fejlesztési Stratégia) – *in Hungarian*

The strategy draws upon and follows up on the Zoltán Magyary Public Administration Program, launched and implemented during the 2010-2014 government period (Ministry of Public Administration and Justice). The previous strategy was developed within the Ministry of Public Administration and Justice, which was reorganized in 2014 when the public administration part was shifted to the Prime Minister's Office. Internal collaboration appears implicitly as a mean to achieve the goal of creating a leaner, more efficient state. Some of the outlined instruments, such as one-stop-shops for government issues and "the digital state", required internal collaboration. Regarding external collaboration, the key and guiding principle of the strategy is that the state should serve its citizens and the entire nation (page 4, the latter expression is usually used to indicate that the state also has responsibility for the Hungarian minorities in neighbouring countries). The goal is to establish a "strong, serving and client friendly state" (page 5) and a "good state" (e.g. page 11).

Public Administration and Civil Service Development Operational programme 2014-2020 (Közigazgatás-és Közszolgáltatás-fejlesztés Operatív Program 2014-2020) – *in Hungarian*

The document outlines how Hungary will invest 795 million Euro from EU funding and 140 Euro of national funding to improve public authority services in the period 2014-2020. The aim is to decrease bureaucracy, which is expected to lead to a better climate for establishing and conducting business operations in Hungary. Some direct and indirect references to the importance of internal collaboration, in the form of "coordination", are made, such as the emphasis on the importance of mechanisms that have been established above the operational

programmes in order to coordinate them, establishing a particular working group for data/information technology and the emphasis on strong central coordination linked to the Prime Minister Office. Some direct and indirect references to the importance of external collaboration, in the form of having reached out to stakeholders in the preparation of the document and plans to do so in the implementation phase, are made. A key instrument for internal collaboration is a (more) integrated public administration information system to which 1000 municipalities are expected to be connected at the end of the period. Steering mechanisms that should increase coordination are also mentioned, such as cross-sectorial working groups. In general, tools or forms of collaboration are otherwise vaguely specified. Key interventions of the program overall include reducing red tape, strengthening e-governance, increasing transparency and reinforcing human resources.

Data Protection, Data Sharing and Freedom of information documents

Act CXII of 2011 on Informational Self-determination and Freedom of Information (2011. évi CXII. Törvény az információs önrendelkezési jogról és az információszabadságról) – *in Hungarian*

The law replaced the 1992 Act LXIII "Protection of Personal Data and Disclosure of Data of Public Interest". The new law, adopted in 2011, was amended in 2012, 2013 and 2015. The high number of amendments has been criticized. The first article of the law stipulates that the aim of the law is both to protect the private sphere of natural persons and to ensure the right to access to public data in the interest of public matters transparency. Section/chapter 3 elaborates on the rules on how to recognize what public interest data is, and section 4 specifies how to access such data. This is followed by a longer section regulating the establishment and working procedures of the Hungarian National Authority for Data Protection and Freedom of Information. The law covers all "information or knowledge" of "public value" (Section 3, point 5) that is not personal data. It can also be translated as public interest data. Restrictions may be made in laws when considered necessary to safeguard certain listed interests such as national defence, national security, environmental protection or foreign exchange policy (Section 27). According to critics of the law and its amendments, including international and Hungarian NGOs such as Transparency International, public spending watchdog organization K-Monitor and the Hungarian Civil Liberties Union, the law is more restrictive than the previous law. The replacement of the Protection and Freedom of Information Parliamentary Ombudsman by the National Authority for Data Protection and Freedom of Information was criticized by the European Union Court of Justice in 2015.

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Sources and further literature by country

The short summaries of the codes of collaboration in this report are based on the templates received from the ten TROPICO partners. In addition to the references, WP2 has chosen to provide an extended source list with further information provided by the ten countries. The collected sources provides a larger body of academic and policy resources in each country for further reading.

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ANNEX 1: Template for expert input from TROPICO partners

TROPICO

Transforming into Open, Innovative and Collaborative Governments

Grant Agreement no. 726840
Horizon 2020 Research and Innovation Programme
Inclusive, Innovative and Reflective Societies

Request for Information from Partners

(W2: Transformation of Institutional Conditions for Collaboration)

Deliverable 2.2: Codes of Collaboration
Deliverable 2.3 Research report on collaborative government frameworks in ten countries

Date sent to partners: **December 20, 2017 (month 7)**
Requested back by: **February 28, 2017 (month 9)**
Deliverables due: **May 2018 (month 12) and June 2018 (month 13)**

http://tropico-project.eu/

Information supplied on/by:

Country	***Please insert***
Team	***Please insert***
Person responsible for collection	***Please insert***
Date submitted	***Please insert***

About the Work Package & the Deliverables

"WP2 seeks to explore the institutional conditions shaping collaboration in and by governments, incl. formal rules and norms embedding administrative traditions and cultures, 'collaboration trajectories' (any reform attempts over the past decade), as well as the regulations for data protection and data sharing, and freedom of information as crucial conditions for exploiting ICT in collaboration." Grant agreement, page 11)

WP2 has 4 deliverables. In addition to those concerned here, the first (2.1) was a literature and report review, delivered in month 6. The fourth and final (2.4.) consist of two article/chapter publications, which are both due in month 24.

D2.2 (Codes of Collaboration): Mapping of 'Codes of collaboration' in ten countries as codified in the constitution, laws, statutory instruments, including a mapping of existing formal regulations or other rules and guidelines for data protection and data sharing as well as freedom of information regulations and frameworks.

D2.3 (Research report on collaborative government frameworks in ten countries): Comparative meta-analysis of these regulatory/legal frameworks in ten countries, identifying similarities and differences regarding status, scope, content and changes over time. (Grant agreement page 11).

Section 1: Compile a List of Codes of Collaboration

Please collect documents that broadly deal with collaboration. We are primarily looking for currently valid documents, but you may include seminal texts introduced in the past if you deem it important to understand the current context. Send these to us in a separate email AND list them in the table format given on the next page. The Codes will be made available in a meta-linked format to the public, probably on the TROPICO website. We are (especially) looking for:

1) Relevant parts of the country constitution.
2) Laws on the legislative process, particularly as regards to provisions on the requirement to seek external input, as part of the legislative process.
3) Regulations of working procedures and internal structures in government *(as a whole or for specific Ministries, as applicable – outstanding sub-national examples may also be of interest)*.
4) Codes of Conduct or similar guidelines for overall civil service or the central government.
5) Any codified collaboration that you would consider as best practice in your country.

Below we provide a list of sample 'codes' which you can consult in order to see what kind of documents might be relevant. These sample 'codes' were collected together with UiB and UP in

the preparatory phase, and are more related to internal than external collaboration. Nonetheless, we hope they give you some idea.

Germany

- Joint Rules of Procedure of the Federal Ministries http://europam.eu/data/mechanisms/FOI/FOI%20Laws/Germany/Germany_Joint%20Rules%20of%20Procedure%20of%20Federal%20Ministries%20GGO%202000%20EN.pdf

Spain

- Law 50/1997: http://www.boe.es/buscar/doc.php?id=BOE-A-1997-25336

Estonia

- Guidelines for Development of Legislative Policy until 2018: http://www.just.ee/sites/www.just.ee/files/guidelines_for_development_of_legislative_policy_until_2018.pdf
- Good Engagement Practices: https://riigikantselei.ee/en/supporting-government/engagement-practices

UK

- Code of Conduct for Ministers https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/579752/ministerial_code_december_2016.pdf
- Guidance on Consultation Practices https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf

Document details: template table (indicative length: 700 -1500 words per table)
Please add one template per collected document (see previous page for what type of document we are looking for). The number of documents will vary per country, but we foresee that each country team should be able to provide at least 3-5 documents.

Name of document (original language and English)	
URL (in original language and in English if available)	
Author	Organizational author (e.g. Government, Specific Ministry) and year
Type of document	Constitution, federal law, regulation, guideline or other + description including purpose
Trajectory of the document: list important preceding documents and/or amendments	Context description + listing of documents/amendments
How and if *internal* collaboration appears in the text	Present / absent + definition and/or description including scope and content.
How and if *external* collaboration appears in the text	Present / absent + definition and/or description including scope and content.
Actors	Requirement/expectation for whom and with whom to collaborate.
Instruments/tools/forms of collaboration	Description of the instrument/tool/form (such as temporary or permanent forums, mandatory inclusion of actors etc.) including reference to article/page numbers in the documents where applicable.
Context of adoption: what were the main debates at the time of adoption and what was the key motive for adoption? Who were they main actors involved?	Description including source/evidence of claims.

Context of practical application of the rule/code: has it met with any implementation difficulties? What is the scale of impact? Any other information to the practical application of the rule/code.	Description including source/evidence of claims.
Other important information	Optional.

Section 2: Compile a List of Documents related to Data Protection, Data Sharing and Freedom of information for and in collaborative governance

Please collect documents that relate to data protection/sharing and freedom of information. We are especially looking for laws, rules and guidelines affecting how government share data among its different units (internal collaboration) and with interest/civil society organizations and the citizenry (external collaboration). Focus on currently valid documents.

Send these to us in a separate email AND list them in the table format given below. Like the Codes of Collaboration, a selection of documents may be made available in a meta-linked format to the public, probably on the TROPICO website.

Document details: template table (indicative length: 700 -1500 words per table)

Please add one template per collected document. The number of documents will vary per country, and may in some countries be just 1 or 2. Please do not list the EU General Data Protection Regulation (EU) 2016/679 (or other EU laws) here, but elaborative in your narrative report in Section 3 if there have been specific debates/issues with that in your country.

Name of document (original language and English)	
URL (in original language and in English if available)	
Author	Organizational author (e.g. Government, Specific Ministry) and year
Type of document	Constitution, federal law, regulation, guideline or other + description including purpose
Trajectory of the document: list important preceding documents and/or amendments	Description including source/evidence of claims.

How principles of data sharing / freedom of information appear in the text	Definition
Any direct linkage in the document between data sharing/freedom of information and practices of collaborative governance	Yes/no. If yes, description.
Coverage	Description including what is covered and key issues that are not.
Access	Description including who can access data and who cannot.
Actors	Description including who is responsible for/involved in providing or protecting data and information.
Context of adoption: what were the main debates at the time of adoption and what was the key motive for adoption? Who were they main actors involved? If the document is old, is it challenged or generally considered important to keep?	Description including source/evidence of claims.
Context of practical application: has it met with any implementation difficulties? What is the scale of impact? If the document is (very) old, what are currently the key issues related to how it works? Any other information relevant to the practical application of the rule/code.	Description including source/evidence of claims.
Other important information	Optional.

Section 3: Narrative report on general developments in the area of institutional drivers (and practices) of collaborative governance and data sharing *(indicative length: 1500-2500 words)*.

1. Please provide your own assessment of which other institutionalized resources shape collaboration, and how collaboration practices have developed over time (with focus on the past 10 years). If possible, provide evidence/references. *For instance:*

    - Can you detect any external influences, e.g. from the EU, in external or internal collaboration?
    - Has there been any change in government or change in government structures (including government unit responsible for coordination/collaboration) that has affected external or internal collaboration?

- Can you see any changes in broad societal norms and trust relations that could potentially affect external or internal collaboration?
- Were there any major debates, reforms or incremental developments related to institutions driving collaboration and collaborative practices that you did not cover in the tables (i.e., not relating to specific documents)?
- In general, is government more open to citizens? Is it more inclusive towards stakeholders? (*This will also serve to inform further TROPICO work packages.*)
- Has internal coordination within government improved, and if so, in what way? Have there been major changes? (*This will also serve to inform further TROPICO work packages.*)

2. Please provide your own assessment of how the overall data protection/sharing and freedom of information regulatory framework has affected collaborative governance (both internal and external), with focus on the past ten years. If possible, provide evidence/references. *For instance:*
    - Have there been major or rather incremental (or no) changes? What effect has these had in practice?
    - Do you foresee any effect of the EU General Data Protection Regulation (EU) 2016/679 on collaboration?
    - Does government utilise big data, and if so how may this affect collaboration?