**Open government data and the fight against corruption: Good practices of G20 countries and Lessons Learnt for Vietnam.**

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**Abstract**

Open government data, which generate greater trust in government by promoting tranparency in public officials’ performances as well as providing channels to use the data as part of checks-and-balances on government, is now considered as essential tool in combating corruption in every country in the world, including Vietnam. Recognizing the importance of open government data, in 2015, the G20 has developed Anti-Corruption Open Data Principles in order to build a culture of transparency and accountability to fight against corruption. Experiences from the G20 may become good lessons for Vietnam to enhancing the access to, the release and use of government data to address corruption.

Key words: open government data, G20 Principles, fight against corruption

**1. Overview of open government data**

Open Government Data (OGD) is public data that can be freely used, re-used and redistributed by anyone without discrimination. All public data including documents, databases of contracts, transcripts of hearings, and audio/visual recordings must be reviewable electronically stored. The OGD principles specify the conditions public data should meet to be “open” rather than address what data should be public and open or privacy, security, and other concerns may legally prevent data sets from being shared with the public.

It should be noted that the right to access to OGD may be subjected to some limitations according to the law. Such limitations are established only for pursueing a legitimate aim such as respect of the rights or reputations of others, the protection of national security, the maintenance of public order or public health or morals.[[1]](#footnote-1)

Government data may be considered “open” if it follows the principles below:

*(1) Complete*

Government data is made publicly which means available to access without any subjection to valid privacy, security or privilege limitations. Non-electronic information resources are being encouraged to be made available electronically in order to build an effective OGD.

“*Bulk data*” which is defined as an “*electronic collection of data composed of information from multiple records, whose primary relationship to each other is their shared origin from a single or multiple databases*”[[2]](#footnote-2) may be an option for the people to acquire entire dataset even with the simplest of applications.

 *(2) Primary*

Data provided must be detail in highest level possibly without any modification. If data is transform by aggregation or transcoding, authorities still oblige to reserve information in fullest form in order to provide when they are requested.

*(3) Timely*

Public actors who are empowered according to the law shall provide such data in timely manner, which means government data should be made available in order to preserve the value of the data.

*(4) Accessible*

Data must be available for different purposed to the widest practical range of users. Government data can be considered “accessible” if the users can find such data freely and easily in Internet. This means, government data must be published in standard protocols and formats, in which, people may access to public information without any inadequate requirement or permission. Besides, once government data is published, withdrawing such information must be complied to due process and be conducted by authorities. In other words, powerful authorities can not easily make published government data disable in order to prevent people from retrieving information that they have once accessed before.

*(5) Automatedly processable*

Data is reasonably structured for automated processing. This required data to be properly encoded in free-form text. According to US Association of Computing Machinery, open government data must be: downloadable; in formats and approaches that promote analysis and reuse of that data; received or stored in a machine-readable format; posted to all including citizens with limitations and disabilities; digitally signed or include attestation of publication/creation date, authenticity, and integrity.[[3]](#footnote-3)

*(6) Non-discriminatory*

Open government data is made available to anyone without any discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

*(7) Non-proprietary*

No one has exclusive control over who can access, use, reuse or share the government data which was published openly. Data is available in multiple formats to reach as wide audience as possible.

*(8) License-free*

Government data is considered open when it not subject to any copyright, patent, trademark or trade secret regulation. Limitations may be permitted in case of reasonable privacy, security and privilege restrictions according to the law.[[4]](#footnote-4)

Besides, other principles may be added such as: online and free; permanent; trusted; presumption of openness; documented; safe to open; designed with public input;….

**2. Linkages between open government data and anti-corruption**

OGD constributes to promote transparency, accountability and value creation. By making government data available to all, public entities become more transparent and accountable to citizens. The reaction of citizens based on accessed information may help governments to promote business creation and innovative, citizen-centric services.

*Firstly*, ODG help to increase transparency and accountability of public officials.

Open data including spending of public budget, especially public procurement processes help people easier to analyse, process and combine governmental information, therefore, monitor government activities, decisions, and expenditures. Under such monitoring mechanism, public authorities must hold accountability before citizens and seek innovatives to use public money effectively.

By showing how and where public money is spent, OGD sheds light on public officials’ activities that relate to the flow and use of public money. OGD creats space for civil society and private sector organizations in decision-making process to prevent corruption and increase integrity of the government.

*Secondly*, OGD makes government performance become better and better.

Open data increases the quality of government performance by avoiding corruption in providing public services. Open data can help discover corrupt activities by providing critical information, tools and mechanism for judicial enforcement. By accessing to OGD, the media and civil society may identify indications of such power-abuse activities for private gain of public officials. By publishing government data openly, governmental misconduct can be easily exposed, therefore, decision-makers are forced to design better policies for anti-corruption as well as their effective implementation under social pressure.

Furthermore, OGD also support collaboration among governments of different nations which can increase the impact of national efforts and policies. OGD enable governments tracking money transfer among countries, therefore, the flow of public funds can be monitered not only domestically but also across the borders. ODG also allow to link anti-corruption efforts across policy areas by combining and comparing initiatives and experiences among countries.

*Thirdly*, OGD increases national competitiveness and support investors.

By providing adequate, trusted information in timely manner, ODG makes both domestic and foreign investor be more and more confident in their decisions. They can assess business environment with risks and opportunities in a specific market or sector based on real-time information and trusted evidence. At the same time, OGD allow private sector to take part in monitoring civil servants’ compliance with laws and regulations, therefore, creat transparent and less corrupt business environments. In such environment, economic development become more ang more sustainable as a result.

*Fourthly*, OGD gets social entities involved in combat against corruption

OGD help to expand social engagement through inviting more stakeholders in society into a participative and empowering relationship with the government. Open Data provide a platform to increase social participation in public procurement, political financing standards, judiciary and law enforcement, public officials’ integrity, fiscal and budget transparency, planning and land use, dispute and conflict resolution. Besides, ODG help the people have enough information and adequate knowledge to raise their voices in public policy and decision making process.[[5]](#footnote-5)

**3. Good practices from G20 countries in using open government data in the fight against corruption**

OGD has challenged governments with some issues such as expense for public data maintainance, kind of release in order to maximise public value. In efforts in promoting OGD, OECD countries has prepared G20 principles on Open Data and Anti-corruption, which created basis needed to develop a framework for cost and benefit analysis, to collect data, and to prepare case studies demonstrating the concrete benefits - economic, social, and policy - of opening government data.[[6]](#footnote-6)

Following the six main G20 Principles, policy and practice regarding open data for anti-corruption some countries such as Brazil, France, Germany, Indonesia and South Africa have been accessed. OECD OGD analysis includes: business information; registers; patent and trademark information; public tender databases; geographic information; legal information; meteorological information; social data; transport information. Six main G20 Principles includes

*(1) Open by default*

Complying with above principle, each G20 government is obliged to disclose government data proactively except for permitted limitations. The principle requires the proactive provision of reusable data from its source in order to increase access in equal terms for everyone. For instance, France has adopted the ‘Open by Default’ principle in Law for a Digital Republic, in which requires departments and agencies to communicate administrative documents in an “*open, easily reusable and machine-readable format*”.

*(2) Timely and Comprehensive*

G20 governments have to commit to identify and publish key highquality and open datasets at appropriate time. Publication of the data should be identified through ongoing public consultation. Governments are also encouraged to apply consistent dataset m anagement processes and to spend an adequate budget in data maintainance.

*(3) Accessible and Usable*

All the countries commit themselves to maximize data accessibility and usability and minimize unnecessary entry barriers by providing a centralised government data platform. G20 governments are also required to promote open data initiatives to raise awareness and capacity-building among data users. National open data portal should include all key anti-corruption datasets. However, some of G20 countries have failed to follow that principle. For example, the governments of France and Germany have promoted the use of open data and encouraged data literacy capacity-building, but these efforts are not related to the fight against corruption.

*(4) Comparable and Interoperable*

G20 governments have to adopt open data standards and to guarantee that consistent core metadata such as descriptive titles, the data source, the publication date and the available formats, adequate documentation must be included in open datasets. Regrading to including anti-corruption, France has published seven key anti-corruption datasets in line with the relevant open data standards.

Descriptive information, usually provided through metadata and accompanying documentation, is another crucial factor in To enable interoperability, descriptive information, provided through metadata and accompanying documentation is really necessary in giving users information to allow for the efficient merging of different datasets.

*(5) Data for Improved Governance and Citizen Engagement*

G20 governments have to support the use of online collaboration to engage with anti-corruption organizations, and to equip government officials with knowledge in order to use open data effectively.

*(6) Data for Inclusive Development and Innovation*

G20 governments are encourage to support other G20 as well as non-governmental actor such as civil society, the private sector and multilateral institutions open data work in order to creat new partnerships with anti-corruption stakeholders and share technical expertise with other governments and social organizations. Except for France, not many countries in the group show their willingness in encouraging civil society and the private sector to open up their own data.[[7]](#footnote-7)

According to above principles, data that can be considered as “*open*” includes:

*Public sector integrity*

The level of disclosure and public access to public official’s declaration of private interests may show synergies between open government data and anti-corruption. Believing that mashing-up companies’ and public sector officials’ information reduces the risk of nepotism, conflict of interest and corruption on public procurement processes, data analysis and mashing-up by public sector institutions, civil society organisations or investigative journalists can contribute to prevent, identify and penalise corruption crime acts.

As such, private interests of all public officials are required to be disclosed publicly. According to survey conducted by OECD among selected G20 countries, on average, the highest levels of disclosure are observed in the legislative branch, followed by the Executive branch, the Judicial branch, and officials working on at-risk areas including tax and customs officials, procurement agents and financial authorities.

*Public procurement*

Public procurement is also at-risk areas in which the application of open data principles and practices can have a significant impact on strengthening the fight against corruption.

Realizing the importance of ODG in fighting against corruption in public procurement, the 2015 OECD Recommendation of the Council on Public Procurement did highlight the need of providing an adequate level of transparency of the public procurement system in all stages of the procurement cycle in order to assure and adequate level of social scrutiny. In addition, 2009 Principles for Integrity on Public Procurement also emphasized the need of empowering civil society organisations, media and the wider public to scrutinise public procurement. As such, online public procurement platforms have been put in place by countries to better manage public procurement systems; as well as to shed light to public procurement processes and public-private arrangements. As a result, governments have set a foundation to empower citizens and businesses by ensuring their access to information on government procurement process which allows them to follow the public money, therefore, make public sector institutions and civil servants accountable for their decisions.

*Other policy areas: Extractive Industries and Customs*

Extractive industries (e.g. oil and mining) are also a potentially highly sensitive in relation to corrupt act, for example, manipulation of the contract/permit granting process and conflicts of interest. According to OECD Report on Corruption in the Extractive Value Chain 2016, some grand corruptions did involve high-level public officials in the granting rights to mining and oil. Furthermore, decentralisation policies may facilitate local governments to mismanage for an excuse of cultural and social arrangements that favours clientelism and patronage as well as their lack of management capacities.

On the other hand, customs-related corruption is estimated to cost World Customs Organisation members at least USD 2 billion in customs revenue each year. This is the reason why countries have to put in place measures to keep corruption in this domain under the control in order to avoid propagation of other risks such as illicit trade, tax evasion and terrorism. For instance, Korea developed and implemented an electronic customs clearance system known as UNI-PASS in order to reduce face-to-face contact between customs officials and clients; thereby reducing the risk of briberies and corruption.[[8]](#footnote-8)

**4. Open government data in practice in Vietnam and possibility of applying lessons learnt from G20 countries**

Realizing the importance of implementation of digital government and open data in combat against corruption, Vietnam has made effort in completing ODG as well as building a facilitative government of transparency and integrity, in the spirit of transparentization and publicization. The Government has provided channels to provide people and enterprises with public information which may affect directly or indirectly in aiming to guarantee the right to access to information recognized by 2013 Constitution of Vietnam.

Towards the fourth Industrial Revolution, development of digital Government and open data as an inevitable trend and the next step in building the e-Government. However, Vietnam is now still facing with some challenges in institutional and technology gaps to develop OGD system. Besides, current complicated administrative procedure may hinder citizens’ ability to access to public data.

Meanwhile, corruption is still consider as serious problem in Vietnam. Although, according to Vietnam Corruption Barometer 2019 (VCB-2019 report), in addition to improving and completing the legal framework on anti-corruption, the Government has been taking many measures and actions to prevent and fight corruption, bringing to light an unprecedented number of large-scale corruption cases. As a result, one in two citizens believes that the State actions against corruption is effective. Also, the number of people who believe they can make a difference in the fight against corruption increased significantly, from 55% in 2016 to 71% in 2019. However, people are still very concerned about corruption. While believing that they have a role to play in the fight against corruption, people rarely do so in practice. 49% of the surveyed citizens think that reporting corruption does not work and are afraid of its consequences.[[9]](#footnote-9) One cause is lack of adequate accessibility to government data.

In sum, to complete OGD, Vietnam has to make an great effort to meet all conditions about leadership, policy/legal framework, institutional structure, Government data, the people’s demand/participation, the open data ecosystem, infrastructure, technology and human resources.[[10]](#footnote-10)

Receiving experiences form G20 countries in using ODG in preventing corruption, Vietnam may follow below recommendations:

*Firstly*, open data must be better leveraged in the fight against corruption by the Government. In order to do so, the Government should: integrate open data policies in national anti-corruption strategies, Open Government Partnership commitments and other relevant platforms and standards; set up OGD principles in national law and take legal measures guarantee their implementation; removing institutional barriers to ensure cooperation and cohesion among the government institutions workingon open data and anti-corruption. Besides, data which can not be considered as “*open*” date must be prescribed by law or interpreted by power authorities.

*Secondly*, Government should invest in skills, technology and capacity-building in using open data for anti-corruption, starting by provide training and courses for all public administration bodies, particularly those who are serving in positions regarding to national anti-corruption commitments. Such training must be considered as an intergral part of the commitments and strategies set out on the part of governments for open data and anti-corruption.

*Thirdly*, the Government is obliged to raise awareness of the benefits of using data to fight corruption for private sector including business and civil society by developing use cases and other practical efforts, such as online and offline training workshops, tools and guidelines; collaborating on initiatives to bring different actors working on open data and anti-corruption together.

*Fourthly*, the Governments should encourage a culture of transparency and openness across all levels of state apparatus, including: establish the right incentive structure for politicians and public officials in order to promote an ‘open data’ agenda; undertaking ‘soft reforms’ that iteratively shift practices and beliefs so as to put public information in the public domain in open data formats, as part of customer service targets and civil service codes of conduct.

*Finally*, the Government should strengthen the linkages between access to information and open data by leveraging right to information legislation in order to advance concrete actions that open up acountry’s data, such as requiring all publicly released information to be “*open by default*” and under an “*open licence*”.[[11]](#footnote-11)

Conclusion

OGD allows all citizens know what their government is doing in order to creat a democratic society in which public officials must be accountable for their misconducting. In other words, OGD prevents corruption by increasing levels of civil servants’ accountability and enhancing social monitor mechanism on the flow and use of public money within and across borders.

Beyond contibution to increase transparency in government performance, OGD promotes a participatory governance. By opening up data, citizens are enabled to be directly informed and get involved in decision-making rather than enjoyn their right to political participation every 4 or 5 years through elections. Only by being well-equipped with adequate knowledge and timely information, people can make effective contribution in public policy and decision-making process, therefore, eradicating corruption.

References

1. UNODC, ‘Limitations permitted by human rights law’ (2017) <https://www.unodc.org/e4j/en/terrorism/module-7/key-issues/limitations-permitted-by-human-rights-law.html> accessed 15 October 2020.
2. Wikia.org, ‘Bulk data’ <https://itlaw.wikia.org/wiki/Bulk\_data> accessed 15 October 2020.
3. ACM U.S. Public Policy Committee (USACM), ‘Recommendations on Open Government’ (2009) <https://www.law.ox.ac.uk/sites/files/oxlaw/oscola\_4th\_edn\_hart\_2012quickreferenceguide.pdf> accessed 15 October 2020.
4. ‘The Annotated 8 Principles of Open Government Data’ (2007) <https://opengovdata.org/> accessed 15 October 2020.
5. OECD, ‘Compendium of good practices on the publication and reuse of open data for Anti-corruption across G20 countries: Towards data-driven public sector integrity and civic auditing’ <https://www.oecd.org/gov/digital-government/g20-oecd-compendium.pdf> accessed 15 October 2020.
6. OECD, Open Government Data <https://www.oecd.org/gov/digital-government/open-government-data.htm> accessed 15 October 2020.
7. Vien Nhu, ‘VN ready to implement digital Government and open data’ (17 January 2018) <http://news.chinhphu.vn/Home/VN-ready-to-implement-digital-Government-and-open-data/20181/32908.vgp> accessed 15 October 2020.
8. Tong Dieu Quynh, ‘The fight against corruption in Vietnam takes a positive turn’ (7 January 2019) <https://towardstransparency.vn/en/the-fight-against-corruption-in-vietnam-takes-a-positive-turn/> accessed 15 October 2020.
9. Jon Vrushi, Robin Hodess, ‘Connecting the dots: building the case for open data to fight corruption’ (2017) < https://www.transparency.org/en/publications/connecting-the-dots-building-the-case-for-open-data-to-fight-corruption> accessed 15 October 2020.
1. UNODC, ‘Limitations permitted by human rights law’ (2017) <https://www.unodc.org/e4j/en/terrorism/module-7/key-issues/limitations-permitted-by-human-rights-law.html> accessed 15 October 2020. [↑](#footnote-ref-1)
2. Wikia.org, ‘Bulk data’ <https://itlaw.wikia.org/wiki/Bulk\_data> accessed 15 October 2020. [↑](#footnote-ref-2)
3. ACM U.S. Public Policy Committee (USACM), ‘Recommendations on Open Government’ (2009) <https://www.law.ox.ac.uk/sites/files/oxlaw/oscola\_4th\_edn\_hart\_2012quickreferenceguide.pdf> accessed 15 October 2020. [↑](#footnote-ref-3)
4. ‘The Annotated 8 Principles of Open Government Data’ (2007) <https://opengovdata.org/> accessed 15 October 2020. [↑](#footnote-ref-4)
5. OECD, ‘Compendium of good practices on the publication and reuse of open data for Anti-corruption across G20 countries: Towards data-driven public sector integrity and civic auditing’ <https://www.oecd.org/gov/digital-government/g20-oecd-compendium.pdf> accessed 15 October 2020, pp.11 – 13. [↑](#footnote-ref-5)
6. OECD, Open Government Data <https://www.oecd.org/gov/digital-government/open-government-data.htm> accessed 15 October 2020. [↑](#footnote-ref-6)
7. Jon Vrushi, Robin Hodess, ‘Connecting the dots: building the case for open data to fight corruption’ (2017) < https://www.transparency.org/en/publications/connecting-the-dots-building-the-case-for-open-data-to-fight-corruption> accessed 15 October 2020, pp.10 – 12. [↑](#footnote-ref-7)
8. OECD, *Ibid* , pp.23 – 31. [↑](#footnote-ref-8)
9. Tong Dieu Quynh, ‘The fight against corruption in Vietnam takes a positive turn’ (7 January 2019) <https://towardstransparency.vn/en/the-fight-against-corruption-in-vietnam-takes-a-positive-turn/> accessed 15 October 2020. [↑](#footnote-ref-9)
10. Vien Nhu, ‘VN ready to implement digital Government and open data’ (17 January 2018) <http://news.chinhphu.vn/Home/VN-ready-to-implement-digital-Government-and-open-data/20181/32908.vgp> accessed 15 October 2020. [↑](#footnote-ref-10)
11. Jon Vrushi, Robin Hodess, *ibid*, pp.18. [↑](#footnote-ref-11)