



## OPEN FORMAT DATA PUBLISHING – A PRACTICE THAT IS YET TO GAIN TRACTION IN MONTENEGRO

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Montenegro's obligation to **publish open data**, i.e. data in a format that facilitates its reuse, is stipulated by the Law on Free Access to Information.<sup>1</sup> Publishing data in an open format is particularly important for its reuse, allowing for analysis and digital processing.

Publishing data in an open format is also one of the indicators for public administration transparency, in line with the OECD/SIGMA Principles of Public Administration.<sup>2</sup> Therefore, it is included in the WeBER PAR Monitor methodology for monitoring public administration reform in the Western Balkans.<sup>3</sup> A proactive approach to open data policy implies that published data can be downloaded by different users, that downloading open data is free, and that data is published in a machine-readable format.<sup>4</sup>

Open data has great potential, especially considering that it becomes available to a wider range of users, that there are no control mechanisms or restrictions by the author, and that anyone can freely use and analyse it. It can be of particular importance to the scientific and business community, as well as the civil sector, but it can also be interesting to citizens.

The aim of this analysis is to provide an overview of the current situation in terms of open data, and to scrutinise the latest PAR monitoring cycle in the Western Balkans region, the results of which were published in 2022<sup>5</sup>, to illustrate the extent to which public institutions in Montenegro publish data in an open format in relation to each area of public administration reform (PAR), and to show how Montenegro ranks in relation to countries in the region in terms of the publication of these data.

1 Article 51a, Law on Free Access to Information, "Official Gazette of Montenegro", no. 044/12 from 09-/05/2012, 030/17 from 09/05/2017.

2 SIGMA recognises 6 principles, i.e. areas that define the overall functioning of public administration, namely: 1) Strategic framework of public administration reform; 2) Policy development and coordination; 3) Public service and human resource management; 4) Accountability; 5) Service delivery; and 6) Public finance management. More details available in the publication "Principles of Public Administration", available at: <https://www.sigmaweb.org/publications/Principles-Public-Administration-Overview-Serbian.pdf>

3 WeBER PAR Monitor methodology for monitoring public administration reform in the Western Balkans, available at: <https://www.par-monitor.org/par-monitor-methodology/>

4 Machine readability implies that the format of the information is structured in such a way that a software application can easily identify, recognise and download the data contained in that document, including individual data and their structure. CSV, XLS, XML, JSON, RDF, TXT and others are considered machine-readable formats.

5 National PAR Monitor for Montenegro 2019/2020, available at: <https://institut-alternativa.org/nacionaini-par-monitor-za-crnu-goru-2019-2020/>

## A strategic approach to open data policy

The open data portal ([www.opendata.gov.me](http://www.opendata.gov.me)) was launched in July 2018, which was a legal obligation resulting from amendments to the Law on Free Access to Information from May 2017. The portal was redesigned in 2021 in order to improve functionality. In November 2021, the Government of Montenegro passed the Decision on the Formation of an Open Data Management Council.<sup>6</sup> According to the Government Information on Open Data Management from March 2022<sup>7</sup>, the Council was not functional, and there is no publicly available information on whether the Council started working in the meantime.

The new Public Administration Reform Strategy 2022-2026<sup>8</sup> recognised that data in the possession of authorities, including machine-readable data, are not published proactively enough, that a small number of institutions publish datasets on the open data portal, and that the number of datasets published on the open data portal is insufficient. The Strategy contextualises the above as a challenge in the area of transparency and openness of public administration. Consequently, the new PAR Strategy envisages a special operational objective – that of improving the reuse of information and increasing the availability of open data. Open data is featured in the Digital Transformation Strategy 2022-2026,<sup>9</sup> which, through the operational goal of improving data availability, interoperability and data management, foresees activities aimed at improving the quality and availability of data. The National Action Plan for implementation of the Open Government Partnership Initiative for 2023-2024 also recognises the significance of promotion and improvement of open data policy and practice, within the thematic priority of open data and free access to information.<sup>10</sup>

### A cyber-attack has shut down the Open Data Portal – it has been inactive for 8 months

A cyber-attack on the IT infrastructure of the Government of Montenegro, which took place in August 2022 resulted in total malfunction of the open data portal. The Ministry of Public Administration announced that re-establishment of the open data portal was expected by 10 March 2023. However, at the end of April, the portal was still unavailable to interested users.

A report that followed a piece of research conducted for the improvement of the open data management system from January 2022,<sup>11</sup> showed that **89.4% of the respondents believed that the open data portal was not sufficiently promoted in the media**. Additionally, the new PAR Strategy states that according to research, 84.6% of employees in public administration are not familiar with the concept of open data, that 93.5% of employees are not familiar with the concept of reuse of already available/published data, and that **83% employees have not heard of the term machine-readable data**.<sup>12</sup>

6 In line with the Decision, the tasks of the Council include as follows: proactive communication with authorities in order to publish as many datasets as possible; management and promotion of the portal; mapping challenges in the field of open data and finding solutions for them; activities to improve the transparency of the public administration. The Decision of the Government of Montenegro on the formation of the Council is available at: <https://www.gov.me/dokumenta/1153751b-b38f-43f0-8a07-c8ee09b88233>

7 Government of Montenegro, Information on Open Data Management with the Report on the research "Improving the open data management system", March 2022, available at: <https://www.gov.me/dokumenta/7a211a06-401c-426c-9d98-85b8f1ae9d88>

8 Government of Montenegro, Public Administration Reform Strategy 2022-2026, available at: <https://www.gov.me/dokumenta/381f1cf2-eb35-4a00-a5a5-aac1287aa041>

9 Government of Montenegro, Digital Transformation Strategy of Montenegro 2022-2026, with Action Plan for 2022 and 2023, available at: <https://www.gov.me/dokumenta/0c802520-e016-41ee-a6e4-7af6eb66e19d>

10 Government of Montenegro, National Action Plan for implementation of the Open Government Partnership Initiative for 2023-2024, available at: <https://www.gov.me/dokumenta/3b87202e-8a46-41ec-958f-f70655f86335>

11 The research was conducted within the project "Accelerating Digital Governance" implemented by the United Nations Development Program (UNDP).

12 Public Administration Reform Strategy 2022-2026, page 83.

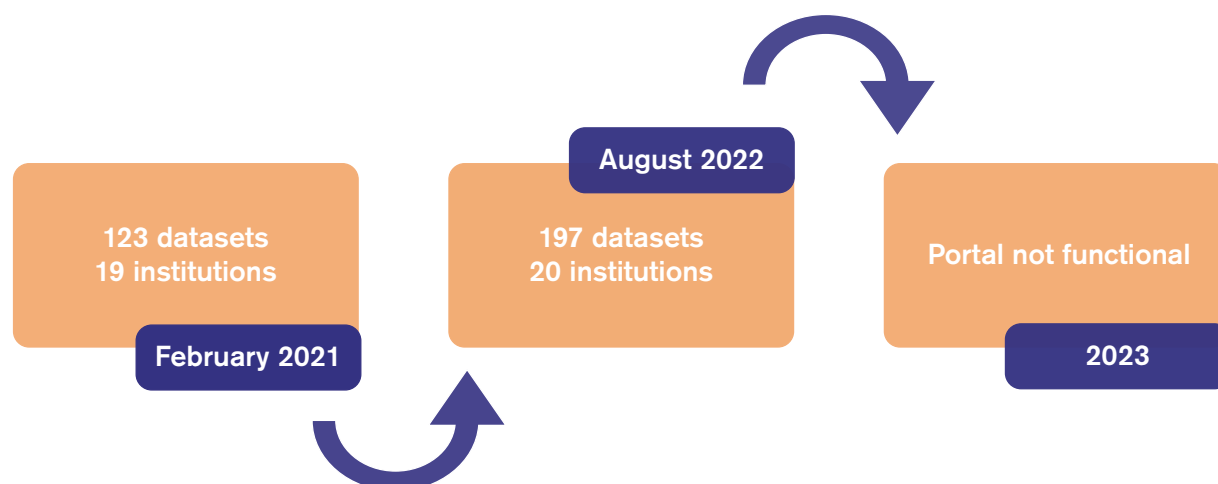
While functional, the Open Data Portal was not particularly user friendly, since there was no organisation of entries in chronological order for data in the same set. Additionally, users did not have the option of simply searching the data chronologically, i.e. when opening a certain dataset there was no option for the user to be informed if they were accessing the latest version of the data, and there were no linked posts for certain datasets.<sup>13</sup>

## The focus of WeBER Monitoring on open data

The WeBER Methodology focuses in particular on elements to which SIGMA monitoring does not pay special attention, and which are important for civil society from the perspective of transparency and availability of data on public administration, such as whether authorities proactively implement an open data policy.

Bearing in mind the importance of publishing data in an open format, this practice represents a special element for evaluation of indicators for authorities proactively publishing public information, which fall under the evaluation area of Accountability. Additionally, open format data publishing permeates all areas of PAR. Thus, in each of the areas subject to evaluation, within the group of indicators and elements related to publication of reports, documents, budget and other data, evaluation is conducted on whether the above was published in an open format.

WeBER Monitoring showed that in February 2021,<sup>14</sup> 123 sets of data were available on the open data portal of Montenegro, published by 19 institutions, while in August 2022, just prior to the cyber-attack, 20 institutions provided 197 datasets to the public.



Compared to countries in the region, in February 2021, Montenegro had the lowest rate of authorities publishing datasets on the open data portal. Montenegro also ranks among the countries that publish the fewest datasets, followed by Albania (as shown in table 1).

<sup>13</sup> Institute Alternative, Report on the Implementation of Public Administration Reform in 2019, January 2020, available at: [https://media.institut-alternativa.org/2020/04/par\\_monitoring-izvje%C5%A1taj\\_cgg-1.pdf](https://media.institut-alternativa.org/2020/04/par_monitoring-izvje%C5%A1taj_cgg-1.pdf)

<sup>14</sup> Overview from 1 February 2021. Source: Western Balkan PAR Monitor 2019/2020.

*Table 1: Overview of the number of institutions and published datasets on the open data portal in the region, February 2021*

	Institutions and agencies	No. of datasets	Open data portal
Serbia	80	308	<a href="https://data.gov.rs/sr/">https://data.gov.rs/sr/</a>
N Macedonia	55	266	<a href="http://www.otvorenipodatoci.gov.mk/">http://www.otvorenipodatoci.gov.mk/</a>
Kosovo	26	205	<a href="https://opendata.rks-gov.net/">https://opendata.rks-gov.net/</a>
Montenegro	19	123	<a href="https://data.gov.me/">https://data.gov.me/</a>
Albania	20	88	<a href="https://opendata.gov.al/">https://opendata.gov.al/</a>

## Results of monitoring publication of open data by area of public administration reform

*Table 2: Overview of points for Montenegro from the last monitoring cycle in relation to elements that particularly value publication in an open format by areas/principles of public administration reform*

PAR area	Indicator	Element in relation to open data publishing	Scores for 2019/2020	Scores for 2017/2018
Policy development and coordination	Public availability of information on Government performance	Information published by the Government on its activities and results are available in open data format(s)	0/2	0/2
Public service and human resource management	Public availability of official data and reports on the civil service and state administration employees	Published official data and reports on the civil service are available in open data formats	0/1	0/1
Accountability	Proactive informing of the public by state authorities	Authorities proactively implement open data policies	0/4	0/4
Service delivery	Availability of information on delivery of administrative services on the providers' websites	Information on administrative services is available in open data formats	0/2	0/2
Public finance management	Transparency and availability of budget-related documents	Budget-related data are published in open data formats	0/2	1/2
Public finance management (public procurement)	Public availability of information on public procurement	The central institution in charge of public procurement publishes open data on public procurement	0/2	/
			0/13	

**In the area of policy development and coordination**, publication in an open format is considered within the framework of indicators that focus on the extent of openness and availability of information on Government performance. Although the Government reports on its work by informing the public through publications on its website, official announcements, as well as quarterly reporting on the implementation of the Government annual work programme, and through annual work reports, this information and reports are not available in an open format.

One of the elements monitored in the area of **public service and human resource management** is open data publishing of official data and reports on civil servants and employees at the central level in the public administration. WeBER Monitoring has shown that data related to the civil service, published by the Human Resources Administration and/or the Ministry of Public Administration, are not published in any of the open formats, i.e. they cannot be downloaded in a machine-readable format by different users. No activities were undertaken in relation to the recommendation from the previous monitoring cycle, which suggested that data on civil servants and employees contained in the public administration personnel plan should be published in one of the open formats and published on the open data portal.

In the area concerning employment statistics, only the Statistical Office (MONSTAT) publishes data on employment at the state level in an open format, including data on employees in the state administration. These data are available in the xls format. However, since the method of data collection (from the registers of the Tax Administration) differs from the methodology used by the Human Resources Administration, Montenegro did not score points in this area.

In terms of the area of **service delivery**, the indicator that measures availability of information on the delivery of administrative services on service providers' websites, is particularly focused on whether this information is available in an open format. Regarding the provision of basic procedural information on how to access certain administrative services, the key issue is that the forms required for the services in question were not available for download during the monitoring period.

In the PAR area related to **accountability**, within the indicator related to proactive public information provision by the authorities, one of the elements focuses on whether the authorities proactively implement the open data policy. The sample of institutions that were monitored in this area included the Ministry of Education, the Ministry of Defence, the Ministry of Sports and Youth, the Ministry of Public Administration, the General Secretariat of the Government, the Environmental Protection Agency and the Tax Administration. Most institutions monitored did not publish datasets in machine-readable formats.

Although the criteria for scoring on open data are quite low, they were not met. In line with the WeBER Methodology, in order to score points in relation to this element, institutions must publish at least one set of data from their jurisdiction in an open format, and publish at least one document in line with the Law on Free Access to Information (list of employees, list of public officials and their salaries, public procurement plan etc.). Of the institutions included in the sample, only the Ministry of Education (19 datasets) and the Ministry of Public Administration (6 datasets) had published data on the open data portal during the monitoring period. The recommendation from the previous monitoring cycle that institutions should proactively publish data on the