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FOREIGN EXPERIENCE OF INFORMATION OPENNESS IN THE ACTIVITIES OF PUBLIC AUTHORITIES

Abstract

Objective: the aim of the study is to study the positive experience of foreign countries on information openness in the activities of public authorities and to find ways to improve the current legislation of Ukraine on this issue.

Methods: dialectical, comparative-legal, systemic, generalization method, statistical.

Results: The article considers the experience of developed foreign countries on openness in the activities of public authorities. Attention was drawn to the need to draw positive foreign experience into Ukrainian national legislation, in particular the establishment of a separate State body in Ukraine to monitor access to public information.

Scientific novelty: for the first time, on the basis of an analysis of foreign experience, it was proposed to establish a separate State body in Ukraine to monitor access to public information and to create an electronic portal where each citizen had the opportunity to ask questions, express his/her wishes and proposals, etc.

Practical significance: analysis of foreign experience of information openness of public authorities will allow to highlight shortcomings of domestic legislation and form proposals for its improvement, as well as will become scientific basis for development of this topic in the future.

Keywords: information openness, open data, public authorities, information, foreign experience.

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Statement of a problem. One of the components that shows the level of transparency in the State is the information openness of public authorities. The discovery of data increases transparency and accountability in the activities of these bodies, promotes more efficient use of public resources, improves the quality of public services, as well as promotes the development of innovative business and the creation of socially useful services. On the basis of open data, the competitiveness index of the world's countries in the global economic rating is calculated.

It should be noted that by the indicators of the world competitiveness index of the World Economic Forum in 2016 Ukraine took the 44 place in the level of development of open data and rose in the ranking of countries by 18 positions in comparison with the 2015 year [15, 44]. 2017–2018 Ukraine has a 17 position in the open data development rating, according to the results of the study Open Data Barometer, having received 47 points. The leaders of the rating were Canada and

Great Britain (76 points), Australia (75 points), Korea and France (72 points) [18].

It should also be noted that, based on the analysis of indicators of the World Economic Forum's Global Competitiveness Index in 2019, in foreign countries, in particular European countries, 55–60% of citizens use public services through electronic information access services [21].

This year Ukraine will participate for the first time in the European Open Data Development Study European Data Maturity Report. The study will last throughout 2020, and its results are published in December 2020 Open Data Maturity Report, an annual study showing the level of open data development in Europe. Experts assess more than 165 indicators, which are grouped into four groups: open data policy, the work of the national portal, the impact of open data on key areas of life, the quality of published data. Open Data Maturity Report was conducted five times with the participation of 32 countries [9].

The system of public authorities in Ukraine should work to meet the needs of society in good faith. This means that the system of public administration should focus primarily on the needs of each ordinary citizen [19, 154]. That is why comprehensive reforms are needed to meet international standards of good governance. In this regard, there is a need to adapt domestic legislation to the regulations of the European Union and developed countries of the world. Therefore, the study of foreign experience of legislative consolidation and ways of practical implementation of the principles of openness and transparency is relevant.

Analysis of recent research and publications. This work is directly related to scientific research of the Department of Public Management and Innovation Management of the National University of Biological Resources and Environmental Management of Ukraine, carried out within the framework of the research topic “Theoretical foundations and mechanisms for implementing innovative processes in public management” (Registration Number 118U100146).

The theoretical basis of the study of foreign experience of information openness in the activities of public authorities was the development of domestic scientists, in particular E. Afonin, T. Andriychuk, A. Kretu, Melnickenko, E. Tikhomirov, B. Shevchuk, I. Tkach and other scientists.

The aim of the study is to study the positive experience of foreign countries on information openness in the activities of public authorities and to find ways to improve the current legislation of Ukraine on this issue.

The objectives of the article are as follows:

- 1) to conduct an analysis of foreign experience of information openness in the activities of public authorities;
- 2) to identify the main problems of information openness in the activities of public authorities in Ukraine;
- 3) to propose recommendations to improve information openness in the activities of public authorities.

Statement of basic provisions. Over the past two decades, more than 90 countries of the world have adopted a number of laws on the right of access of citizens to public information [15, 46].

First of all we analysed the legislation of the United States of America, became one of the first countries which fixed an obligation of bodies of the public power to inform the public on the organization daily deya-telnost according to the Act of freedom of information 1967 [3].

In 1996, it was supplemented by the Electronic Freedom of Information Act, guaranteeing public access to public information by electronic means [12, 153].

It should be noted that the Public Information Location Service has been established to provide access to public information.

Electronic petitions (e-petitions) are a fairly common means of increasing citizens' participation in the process of influencing policy-making. The Internet is used to use such a tool. This enables the public and interested groups to initiate a collective appeal of signatures and to forward it to the relevant authorities.

Besides, for encouragement of the private sector to commercial use of information which is in possession of authorities the Law “About Reduction of Paper Work” [20] is adopted [6].

An important point of implementation of the open government in the USA was the signing of the Memorandum on Transparency and Open Governance [17], in particular, the opening of public data. The portal contains interactive tools that allow visitors to ask online questions, report problems with using the portal, send comments and suggestions, requests for datasets, communicate in a thematic forum, and the like. So, the US is quite a developed country in terms of opening data to public authorities.

Next, it is necessary to consider the experience of the UK in ensuring the openness of data in the activities of public authorities. This state leads the first place among the leading countries in the rating of open data for four years. Thus, the Freedom of Information Act was adopted in 2000 [4], which provides for the definition of publication requirements, such as the type and manner of publication, payment or free of charge; Accept or review requirements for publications, taking into account public interest, by publishing the reasons for the decisions taken; Apply a “harm done” test when disclosing information with limited access if its disclosure can harm certain interests (in health and safety cases, access to it is restricted if its disclosure can damage a person's physical or mental condition).

The law provides guarantees for the protection of personal data, in particular the Minister has the right to amend or supplement the provisions of the Law. However, such changes to an order, regulation or order must be adopted by an order of each House of Parliament.

At the same time, public authorities carry out two main tasks: the first relates to the realization of the right

of society to receive reliable information about the activities of the authorities, the second — to the construction of the image of public authorities and the formation of a positive opinion on their work. For this purpose, a system of departments performing news management functions has been created. For example, a Strategic Communications Committee has been established for public relations in Great Britain, consisting of directors of 12 regional information divisions, personal secretaries of each minister and six representatives of various parties. The SCC decides exactly what information the government should provide to the population. Each morning, through the Prime Minister's spokesperson, SCC members receive information from the Media Monitoring Committee, conduct an analysis of public opinions on government activities, and decide how to respond to this.

So, the UK, like the US, works to form a good image of public authorities among the population. This position is also supported by weekly sociological surveys conducted through focus groups, the results of which are discussed on Mondays in the KSK. On the basis of these results, a search for "killer-facts" is carried out, the publication of which would improve the perception of the work of the Government. A specialized research unit for search activities has been established.

It is useful to note that the SCC performs an important function in the context of this problem: no information concerning public authorities can be published without coordination of the publication time with the SCC. This is done through a dedicated department and a dedicated computer called Agenda, which sets a timetable for the publication of government communications. All departments must agree with the division on the timing of their disclosure so that important reports do not overlap less important.

It should be noted that the element of the news management system is the "rapid response computer", on which the database is constantly replenished. It contains statements on various topics relating to politics, public and political figures, newspaper journalists and television. If necessary, it is possible to find "compromise" on the opponent of the authorities (his statements on a certain topic) and arguments in defense of a certain position of power structures or statesmen. The computer is linked to government departments in the regions and the Central Bureau of Information and its regional divisions. A special place in the structure of SCC is occupied by the Department of Matchwriters (speedwriter),

which prepare speeches for ministers or write articles that are printed under the signature of the Prime Minister or Minister, as well as the Department of Spin Doctors (spin — "rotation", "circle", "doctor — treatment"), which provide government information in the media from the most profitable point of view. Since there are situations in which the media receives information that may be dangerous to national interests, the Government has the power (Directive D) to prohibit newspapers from printing it [14].

In the United Kingdom, as in the United States, the Internet platform "Have your say" has been created, which ensures compliance with the principle of English government — all changes in policy should be preceded by public consultations.

In assessing the quality of the services provided by the public authorities of France, it is worth saying that in terms of the index of influence on business, politics, civil society France is ahead of Korea and the United States.

In 1978 France adopted the Law on information and freedom of [7] and the Law on access to the state documents [8]. The first regulates the use of identifiers in the database and the processing of data by public authorities in both the public and private sectors. However, the National Commission on Information and Freedom is mandated to monitor the implementation of this law.

The Law on Access to State Documents, in turn, gives a citizen the right of access to documents owned by public authorities. It should be noted that the established Commission on Access to State Documents (CASD) has supervisory functions and powers to act as a mediator, to make recommendations to citizens, and it should be noted that its decisions are not binding.

As part of the implementation of the "Programme of Action for France's Transition to an Information Society" adopted in 1998, all public authorities received an e-mail address until 2002. At the same time, the LEGI-FRANCE website containing laws and legal documents was launched. Search engine "AdmiFrance" has been created [10, 18]. In addition, document circulation, e-mail and digital communication between citizens, business structures and central, regional authorities for the purpose of obtaining public services have been legalized. Thus, it makes it possible to send documents both by e-mail and vicariously of traditional paper correspondence.

In 2003, the French Ministry of E-Government and Administrative Reform developed and issued a four-year

strategic plan for 2004–2007, ADELE (ADministration ELEctronique), which implemented new public Internet services and addressed the needs of citizens and businesses. Business to structures it is given an opportunity to fill with an electronic way of a form of social assignments, to get access to customs operations, to manage the tax accounts and to list taxes with the help inrternt technologies.

The Law on Confidentiality of the Electronic Economy and the Law on Public Procurement of Electronic Communications have been adopted to improve the regulatory and legal regulation in the field of e-commerce.

The State with one of the most effective models of public administration is Canada. Its undeniable advantages include the high degree of transparency achieved by the openness of information and its public availability through constantly updated Internet resources; Annual reporting of all public service units on their activities and financial costs; Continuous improvement of the system of public administration, an effective and compulsory system of continuous improvement of skills of public servants at all levels and a high level of social guarantees, which supports the prestige of public authorities [1].

The country adopted the Access to Information Act in 1983, which gives individuals the right to have access to certain types of information from public authorities [5]. However, a service-oriented government was launched in the 1990s. The “Project for the Provision of Services by Public Authorities with the Help of Information Technologies” 1994 received the conditional international name “e-government”. Relevant within the framework of the carried out works on the implementation of the project public authorities work and directly interact with the population by the power of a powerful information portal, which unites up to 500 Internet sites.

Canada has a single window system for ten years. In September 2005, the Services Canada project, which has become a universal service delivery point, provided multi-channel access to various services and targeted citizens. Online services make up one third of all government transactions between the state and citizens.

The initiative of GOL which began in 1999 was directed to transfer to an electronic format of the most popular services of the government. A factor in GOL’s promotion was that all departments were encouraged to redesign their business processes. With the advent of information and communication technologies, the way

of work of both people and organizations has changed: public authorities, corporations, organizations, educational institutions, non-governmental organizations, small and medium-sized businesses, entrepreneurs, individuals. The public authorities have been oriented in the context of constant cultural changes and are acting in accordance with the new modern “best methods”, which have just begun to develop and have helped to achieve success in the production of the Government On-Line program.

The Republic of Korea adopted the Public Authorities Disclosure Act in 1996 [5]. Since 1999, the country has had an OPEN programme, a system for monitoring the consideration of citizens’ applications by public authorities. Free access to information on the state of affairs precludes the need for personal contacts with representatives of public authorities or offers of bribes in order to speed up the completion of the decision process.

In the Republic of Korea, authorities have focused on making power more open to public scrutiny, fighting corruption and improving accountability.

It is worth noting that by the end of 2004 there was practically no access to the Internet. Only the Ministry of Foreign Affairs, individual scientific and technical organizations and the security service had access. Since late 2004, free use of the Internet has been permitted to foreign firms and embassies in Pyongyang.

To date, access to Internet sites is carried out as follows: at the request of institutions, the Computer Information Center downloads sites from the Internet, mainly scientific and technical, audits the content of the site, after which it is downloaded on the national network, and it can be used by Korean scientists.

There is a Quanmain Local Area Network for all citizens. It is a nationwide intranet that is not physically connected to the internet. Access is via Dial-Up telephone lines.

In order to easily and quickly find the necessary information or receive a certain electronic service, the web portal Korea E-government has been created, which has integrated all the information necessary for the citizen about public authorities, which were previously posted on the websites of various institutions. The portal has created a single “service table”, within the framework of which you can get the necessary electronic public service. The portal is interactive and has three main sections including services “For citizens”, for business, “For civil servants”. The online Service Desk provides detailed pro-

cedures for obtaining more than 4,000 public and administrative services. For the convenience of users, all services are differentiated into 12 categories, including personal needs and life, real estate, cars and transport, taxes and economics, travel and emigration, defense of South and North Korea, education and employment, social security and health care, art and culture, recreation and sports, environment.

In Poland all requests for public information and responses to them are displayed on the site in real time, this special web resource is created for direct communication of citizens with officials. Data sets are regularly placed and updated on the site, on the basis of which services for citizens and business are created. For example, a service built on open data on how much life costs in the city [11].

The community considers the most important data sets to be those relating to the costs of the municipality, a register of requests for access to public information or data to create applications that facilitate the use of public transport. For example, the visualization of this data can be seen on the portal “Gdansk in numbers” [11]. Open Gdansk houses many data sets of urban demography, economy, urban areas and the like.

The people of the city are involved in the decision-making process, and the decisions themselves are more balanced and effective. The open data infrastructure promotes effective public control, improves the accountability of city authorities to the community, and increases transparency and openness. This certainly has a positive impact on the effectiveness of management decisions, and therefore on the quality of policy, investment attractiveness and the like.

Special attention is paid to the quality of data publication, thus the city authorities create favorable conditions for citizens to start independently solving certain problems with the help of data, and for business — to improve the quality of services and goods, to find clients, partners [2, 8].

In addition, in Poland the government decided to publish a register of expenses on the Internet. Everyone can get acquainted and analyze what city money is spent on. Publish without exception all city expenses, regardless of the amount of expenses. This establishes and strengthens trust between residents and their chosen authority — everyone can test how effective and how successful the disposal of common means is. And officials, planning expenses, are additionally motivated to make fair decisions on expenses.

Another issue of particular interest to Polish citizens is taxes. The portal provides a tax calculator service. It is enough to fit your salary to find out how our taxes finance the functioning of the city — how much money goes to education, road repair, culture, maintenance of the institution, etc. [11].

Thus, the use of a special web resource in this state provides an opportunity to improve functioning as a separate industry and effectively manage the city, develop good management. Modern technologies are widely used to enable citizens to make complex decisions.

A clear example of foreign successful experience of information openness of public authorities is Estonia, whose citizens since 2002 receive individual ID cards instead of paper documents and passports, with the help of which they use a wide range of online services (Public administration, medical, financial, educational services, use of public transport and libraries, insurance and voting in elections, driver's license and the possibility to travel in EU countries, etc.).

It should be noted that the most important event in the development of electronic interaction of Estonia was the X-Road program — a system that manages requests between unrelated computer environments. And because these systems use different technologies, each of them needs an “adapter” to transmit and receive information in format, uses X-Road. And to protect important data, each system also uses its own secure servers for encryption. Thanks to this system, almost all administrative services are provided online in Estonia today. In other words, X-Road is an integrated data exchange system [13].

Today, every citizen of Estonia is provided with public services through the Internet. At the same time, in 2014 the Estonian government launched a digital e-residency project, which means that every EU citizen who is outside Estonia can open a firm here. Due to the fact that each digital transaction is taxed in Estonia, the state also has profit from it.

Conclusions. So, having analyzed the experience of foreign countries, it can be argued that at the present stage foreign countries form a new information policy, taking into account new technological opportunities and the development and dissemination of new electronic media and the Internet. Starting in 2006. States care about the transition to a single technological television broadcasting standard in the digital introduction, development and distribution of new convergent media,

development of public broadcasting and distribution of media education, and the like.

The analysis of the legislation of foreign countries on the openness of data in the activities of public authorities provided an opportunity to highlight the areas of reform of the current domestic legislation on this issue:

1) establishment of a separate state body in Ukraine, which would monitor access to public information (in the USA there is a Public Information Location Service, in Great Britain — a Committee of Strategic Com-

munications, in France — a National Commission on Information and Freedom, etc.);

2) creation of an electronic portal, where every citizen had the opportunity to ask questions, express his/her wishes and proposals, etc., which will in the future improve the image of state bodies before the society and increase confidence in the activities of public authorities.

3) conducting sociological surveys, which are mandatory for discussion in public authorities and making decisions on their results.

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