

<b>SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES</b>		
<b>Author</b>	<b>Summary of Comments</b>	<b>Response</b>
<b>Introduction</b>		
<p>This table provides a summary of the comments received on the draft National Action Plan 2018-20 (the Plan), which was published for public feedback on 20 September 2018. We received twenty-four replies to the request for feedback from members of the public and civil society organisations. The period for public feedback closed on 17 October 2018. We have provided a response to the feedback, where relevant, including from Lead Agencies for the commitments.</p> <p>For ease of reference back to the draft Plan, we have organised the feedback and responses, in three categories:</p> <ol style="list-style-type: none"> <li>1 Comments noting improvement in the process to develop this plan and suggestions for further improvement for the development of future plans.</li> <li>2 Comments in relation to each of the commitments – including that some commitments and milestones required greater specificity or clarity as well as suggestions that relate to implementation of the commitments. These comments were passed to agencies. This had two results: <ul style="list-style-type: none"> <li>o Specific content in commitments and milestones was clarified and made more robust</li> <li>o Agencies will provide greater detail in their quarterly reporting on what they plan to deliver (as plans progress) and how they intend to implement commitments with civil society.</li> </ul> </li> <li>3 Other comments that suggested new commitments. As these have not been through any other public engagement process, these have been referred to the relevant agencies for their consideration and, where appropriate, may be included in the development of ideas for the next plan starting in 2020.</li> </ol>		
<b>1. Comments on development process and ambition</b>		
Shiner	Likes distillation of the ideas, and breakdown into themes. Form is easy to follow and understand the focus. Looking forward to seeing progress	Thank you for the positive feedback.
Rodney Barber	Generally supportive of the plan in particular <b>commitments 3, 5, 6 and 12</b> . Would like to see the next plan involving local government	Local government involvement noted by State Services Commission (SSC) and Expert Advisory Panel (EAP) for consideration during development of fourth National Action Plan 2020-22 (Plan 2020-22)
Transparency International	Detailed comments on: <ul style="list-style-type: none"> <li>• Appreciate the evolving substance of commitments</li> <li>• Applaud the escalated range of consultation but notes still only minuscule engagement with the NZ public</li> <li>• Great need to further improve engagement by the public (including in the course of implementation of commitments), ramp up on-going engagement across central and local government, explore engagement approaches with EAP and identify what the NAP is not achieving.</li> <li>• Need to improve measurability of commitments.</li> </ul> EAP membership be expanded with nominations from Civil Society organisations (IRM recommendation as well)	Noted by SSC and EAP for NAP 2020-22 and for implementation of the National Action Plan 2018-20 (Plan 2018-20)
Jan Rivers (personal capacity)	Has enjoyed being part of the process this year and seeing improved resourcing and buy-in within the government.  The extent and ambition of the 12 commitments, as well as the process to achieve them seem more aligned with the overall intent of the Open Government Partnership's objectives than the previous two iterations. It is a shame that no civil society group has emerged to partner in developing the plan. Hopes SSC and the expert advisory group give some thought to how a grouping could be nurtured from the existing interested parties and NGO's.  Great to see open government initiatives that go beyond what is contained in the plan.	Noted by SSC and EAP for future plan development and implementation.
Volunteering NZ	Volunteering is most connected to the first theme in the Plan though clearly some overlap exists, given the extent to which advocacy work relies on volunteer labour.  Concern that economic disparity is and will diminish trust in government. Overall, the Plan could be more ambitious and specific. VNZ's feedback points to two outside resources: <ul style="list-style-type: none"> <li>• <i>Bridges Both Ways</i> proposes several big ideas to leverage the power of volunteer labour and citizen decision-making.</li> <li>• The <i>Civics and Media Project</i>, gives specific suggestions, organised around the notion that civics and media are inseparable elements of democratic participation.</li> </ul>	Noted by SSC and EAP for consideration of particular initiatives in Plan 2020-22.  Could also influence the implementation of Plan 2018-20.
Kay Jones	This draft Action Plan is generally sensible and would make positive gains for a more Open Government. The Commitments reflect discussions at consultation meetings I attended. In some areas, the Commitments do not go far enough and lack specific actions to implement them.  There are opportunities to improve access to the consultation process to develop the plan and its commitments.  Documents and options for commenting on the plan and commitments should be in an electronically accessible format so blind and low vision people can access them – they may have difficulties with the format and options for response. People without access to digital technology or in	Noted by SSC and EAP for the development of Plan 2020-22.

<b>SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES</b>		
<b>Author</b>	<b>Summary of Comments</b>	<b>Response</b>
	<p>communities without close links to government policy are likely to be unaware of the OGP NZ consultation opportunity.</p> <p>The Open Government process should be open to hearing all voices; there needs to be resourcing to enable the discussion to be taken out to the communities and relationships built to enable proper listening. Open channels of engagement with communities need to be built and maintained, not just ask for input every three or more years.</p>	
Johnathon Hunt	<p>It's good to see the increased number of commitments (12 in 3rd action plan, vs 7 in 2nd action plan (2016-2018).</p> <p>The opportunity for civil society feedback on the Draft NAP is a significant improvement for transparency and engagement compared to last period.</p>	Thank you for the positive feedback.
Fortress Social Services Charitable Trust (FSS)	<p>FSS applauds SSC's approach to the OGP stressing participation. FSS believes that only through encouraging ethnic minorities to participate proactively in the democratic process can we ensure that they form a true part of our democratic polity. In particular, FSS applauds Commitments designed to enhance public engagement at a policy level and to provide greater understanding of the democratic process.</p> <p>FSS is concerned to ensure that Commitments take specific account of linguistic minorities in design of service provision.</p> <p>Agencies implementing <b>Commitments 1, 4, 5 and 6</b> should explore methods to make the information provided more accessible to speakers of minority languages (including Te Reo Maori).</p> <p>Agencies implementing <b>Commitments 5 and 6</b> should consult with linguistic minority communities on how to ensure programmes are easily accessible to people who don't speak English fluently.</p> <p>FSS believes [civics] resources provided to school students should also be available to new migrants so that basic systems and processes of our polity are known to them.</p>	<p>For all Commitments, lead agencies are considering how to implement their Commitments to improve accessibility.</p> <p>Commitment 1 - Parliament's initiatives recognise the need to provide for accessibility to speakers of minority languages.</p> <p>Commitment 6 – The Digital Service Design Standard makes reference in Principal 9 – Design for our unique constitutional and cultural environment</p>
<b>2. Comments relating to specific commitments</b>		
<b>Commitment 1 : Engagement with Parliament</b>		
Transparency International	<p>Recommend:</p> <ul style="list-style-type: none"> <li>objective includes mention of enhanced democracy/ democratic responsibilities</li> <li>communications strategy and implementation programme required for distant delivery and to engage key demographic audiences</li> <li>Parliament TV channel target audience of 'once every year' is properly clarified, such as the average for the whole population (age xx and above) or other clearly measurable means.</li> <li>the target quantities of audience engagement are specified for each respective communications channel.</li> </ul>	<p>Office of the Clerk (OoC) will take these comments into account in implementing the commitment.</p> <p>Figures mentioned in the commitment were updated to establish a baseline for subsequent reporting.</p> <p>Figures for target quantities would be arbitrary as life of the channels varies and the level of growth varies. This is something OoC will review as its Strategy progresses.</p>
Jan Rivers (personal capacity)	<p>(The following comments refer to <b>commitment 1, 2 and 3</b>).</p> <p>These are praiseworthy initiatives.</p> <ul style="list-style-type: none"> <li>An additional initiative would be to (as LGNZ does for the schools sector each election year) is to make a toolkit available to schools to follow, monitor and carry out a shadow vote.</li> <li>Possible concern about making Parliament (and public services more generally) accessible via FaceBook and other social media over which the government has little control. The algorithm's delivering content to users are still too much of a black box to be certain that they are not being manipulated by third parties or government departments using FaceBook membership as a source of data.</li> </ul>	Noted. OoC, Ministry of Youth Development (MYD) and Ministry of Education (MoE) to consider during implementation of the commitments.
Johnathon Hunt	I would like to see a further milestone regarding increasing publication of parliamentary information in structured formats. While parliament.nz offers an attractive browsing interface it doesn't offer structured, machine-readable data that can be used in downstream applications. Details and suggestions provided.	OoC to consider in the implementation and future evolution of this commitment.
Carol Hayward	<p>(Comments relate to <b>commitments 1 &amp; 2</b>)</p> <p>Parliament TV is a good start but people want to watch a particular issue being debated. Broadcasting of Parliament needs to be managed in a way that allows people to navigate to the issue they wish to see and dip in and out of the conversation – focus on specific points in the debate or particular speakers.</p> <p>In the UK at a local government level this was enabled by <a href="https://www.public-i.tv/">https://www.public-i.tv/</a>. In addition, partnering with the media allows greater dissemination and visibility of key issues – allowing access right to the point in the agenda they were reporting on.</p> <p>The evaluation from the Local eDemocracy National Project identified that children and young people enjoy participating but this needs to form part of the school curriculum and be embedded into school programmes of work rather than being an add on.</p>	<p>OoC and MYD to consider in the implementation of these commitments.</p> <p>The Watch/On Demand section of the Parliament website assists people to focus on particular issues.</p> <p>A focus area of the Parliamentary Engagement Strategy is to Inspire and nurture future voters.</p>

<b>SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES</b>		
<b>Author</b>	<b>Summary of Comments</b>	<b>Response</b>
	<p>Democracy games were a good way of engaging young people.</p> <p>Local Democracy Week was a nationally facilitated programme, which helped to support and encourage councils to participate. (Details provided)</p> <p>Children and young people also may like the opportunity to participate virtually in parliament – having a Q&amp;A session through live TV.</p>	
Kay Jones	<p>Increased use of digital channels is valued by communities where they are aware of its use and can access it. During recent presentations to Select Committees and MPs members of New Zealand's disability community appreciated the opportunity to present and to be seen or heard via livestreaming. The use of NZ Sign Language interpreters was also welcomed. Members of this community ask that all Parliamentary livestreams include NZ Sign Language. This may necessitate use of a second camera and contracting with more NZSL workers but the engagement is worth it. Text guides for Parliament should be provided in a range of languages including Easy Read and accessible versions. People First NZ have expertise in this area if advice is needed. Disabled NZer Robert Martin represented New Zealand at the UN Committee on the Rights of Disabled Persons in 2018 with his NZ liaison helping the UN get the messaging right. The NZ government could benefit from this example too.</p> <p><a href="https://www.peoplefirst.org.nz/news-and-resources/easy-read-resources/">https://www.peoplefirst.org.nz/news-and-resources/easy-read-resources/</a></p>	OoC will consider these suggestions in the implementation of the Parliamentary Engagement Strategy.
<b>Commitment 2 : Youth Parliament</b>		
Jan Rivers	See Commitment 1 above.	See Commitment 1 above.
Carol Hayward	See Commitment 1 above.	See Commitment 1 above.
<b>Commitment 3 : School Leavers Toolkit</b>		
TINZ	<p>Each milestone needs a verb that refers to what is actually being undertaken (proposed and may be also achieved-to-date). The use of "completion" is unhelpful, given that End Dates are separately indicated.</p> <p>That the "co-design" phase clearly indicates target quantities of participatory groupings, by which to measure progress/success.</p> <p>That the toolkit aims to cater for broadly diverse ethnicities (existing and migrants).</p> <p>Reference be made to teacher training to support knowledge and promotion of the toolkit.</p> <p>That these competencies and literacies (para 34) are clearly defined and measurable.</p> <p>That a method of measuring these competencies or literacies be developed that could be used internationally.</p>	<p>MoE provided responses in relation to each of these points.</p> <p>Milestone wording has been amended, reflecting this feedback.</p> <p>Target numbers will be developed as part of the methodology for co-design (currently under construction).</p> <p>Resource development has the objective of being inclusive of diverse learners. The co-design process, with a focus on user needs and experiences, will also provide useful insight in this area.</p> <p>Communications and curriculum support activity is part of MoE's business as usual, and so is not highlighted in the commitment.</p> <p>MoE is interested in exploring curriculum progress models, and will consider whether these need to be developed once the stocktake of existing resources is complete.</p>
Fortress Social Services Charitable Trust	<p>In designing Toolkit</p> <ul style="list-style-type: none"> <li>• take into account the possibility of making it available to new migrants (not only those on student visas) – for reasons detailed in the comment</li> <li>• take account how cultural backgrounds may influence understanding of civics</li> <li>• ensure that civics is taught in a way that is respectful and protective of diversity (rather than imposing values uncritically)</li> <li>• ensure standards set for the competencies are be clear and transparent</li> </ul>	<p>MoE confirmed the Toolkit will be targeted at all young people enrolled in schooling but it will be open to and available for use by others.</p> <p>MoE undertakes all resource development with the objective of being inclusive of diverse learners. The co-design process, with a focus on user needs and experiences, will also provide useful insight in this area.</p>
<b>Commitment 4 : Making New Zealand's secondary legislation readily accessible</b>		
TINZ	<p>Secondary legislation database should be designed to accommodate future linking to, or integration with, a readily-accessible database of Court judgments (that form a key part of NZ law).</p>	<p>Parliamentary Counsel Office (PCO) publishes legislation drafted by PCO to the NZ Legislation website, and it is published in readily-accessible and reusable formats.</p> <p>Legal publishers already re-use the legislation to create their own legislative products and PCO are aware of other organisations and individuals that have created products to add value to the legislation it makes available. These include initiatives like OpenLaw NZ's Chrome extension (<a href="https://www.openlaw.nz/plugin">https://www.openlaw.nz/plugin</a>), which links legislation with case law, and the NZ Legislation Network created by the University of Auckland <a href="http://bcn-nzln.co.nz">http://bcn-nzln.co.nz</a>.</p>

## SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES

Author	Summary of Comments	Response
		<p>which illustrates the connections between legislation.</p> <p>When PCO incorporate versions of secondary legislation on the NZ Legislation website it is intended that it will continue to provide that legislation in readily-accessible and reusable formats, which will allow others to build or create products that work with the legislation on our site, or to create their own separate products.</p>
	<p>Government should initiate planning to provide publicly accessible summaries (commentary) on the law that is necessary for effective understanding of the law, to those who cannot afford the cost of access to basic private commentary.</p>	<p>Although the provision of summaries/commentaries is not part of the commitment, it is PCO's intention to provide links from secondary legislation on the NZ Legislation website back to the agency responsible for the administration of the legislation. Will also provide for the ability to include links to supporting information if agencies provide supporting material.</p>
<p>Jan Rivers (personal capacity)</p>	<p>This is a worthy project. It is a huge and ambitious project with many positive outcomes. Has found that without access to department rules) the legislation alone was next to useless in understanding what can happen and why.</p> <p>Residual concerns that the project's ultimate driver has been the need to meet a requirement of the CPTPP. The National Interest Analysis made it clear that access to secondary legislation, as well as transparency and early warning of planned legislation and regulation is part of the work towards reducing behind the border compliance costs for overseas investors.</p> <p>Sure the benefits that local people and businesses can make compliance easier and reduce costs and improve understanding. Transparency of regulation as well as legislation and seeing the interrelations between them is ultimately a desirable public good.</p>	<p>PCO confirms that the commitment relates to all secondary legislation not just that affected by CPTPP.</p>
<p><b>Commitment 5 : Public Participation in Policy Development</b></p>		
<p>shanemiddlem iss</p>	<p>Government should develop civic online platforms to facilitate co-creation of solutions to intractable problems. This would support public transparency, better and lower costs services , better quality decision making and better buy-in.</p>	<p>DPMC confirms the commitment:</p> <ul style="list-style-type: none"> <li>• supports a staged approach to improving public participation and engagement.</li> <li>• establishes a foundation by identifying what good engagement looks like and fostering understanding of when and how to engage on the policy initiatives and challenges.</li> <li>• will contribute to longer term ambition to improve capability on engagement at a system level, but begins by assessing s what works in particular circumstances to develop guidance for the policy profession.</li> </ul>
<p>TINZ</p>	<p>Applauds transition from "customer" to "co-creator" in the government's drive for improved public participation.</p> <p>Recommends:</p> <ul style="list-style-type: none"> <li>• milestones overall, should have clear intentions to take specific account of multiple linguistic, geographic and socio-demographic communities</li> <li>• the setting of target quantities of communities and agencies which will be engaged in the process</li> <li>• purpose of the 'live' policy issue trial includes reference to testing and refining the new Toolbox.</li> </ul>	
<p>Johnathon Hunt</p>	<p>It's good to see movement away from the disempowering use of "customer" to terms supporting more substantial engagement</p>	
<p>Jan Rivers (Personal capacity)</p>	<p>The public policy engagement initiative is a good start and the reference to IAP2 as the gold standard is the right approach.</p> <p>The assessment is correct that in the public's mind little consultation goes beyond the inform/consult stage. This is not always the case see as examples the schools hui and this OGP Action Plan process.</p> <p>However, that across government there is a huge disparity between government perspectives and those of the public on issues, which is one of the main reasons for low trust and low engagement. I await with interest a decision about a specific instance of consultation going beyond inform / consult stage and hope it is able to be an exemplar.</p> <p>I would have liked to have seen the idea of a professional body of participation specialists as a cross government initiative supporting the spread of shared good practice. It would be better to see expertise spread across agencies than having 1 specialist unit carry out consultation on behalf of government.</p> <p>There are many low cost ways to improve upcoming consultation.</p> <ul style="list-style-type: none"> <li>• www.govt.nz has a participation area but agencies and other parts of government are not mandated to use it.</li> <li>• A low cost option would be to mandate the announcement of consultation on websites using a specific tag allowing people to search across the .govt webspace for the tag.</li> </ul> <p>Meaningful consultation should not be terrifying to government - it is important that the people's voice, rather than the voice of corporations is paramount, in the development of public policy. There are numerous approaches and</p>	<p>DPMC will explain, in its Reports on progress, how it intends to test and evaluate the work undertaken as part of Commitment and how that work will be implemented.</p> <p>DPMC will take into account the perspectives of those who contributed to the establishment of Commitment 5 and the views of those who provided comments on the draft plan.</p>

## SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES

Author	Summary of Comments	Response
	<p>opportunities to trial citizen's juries, participatory budgeting or AI approaches to developing ideas such as using tools like pol.is.</p> <p>See Pat Webster's PhD about the ways in which government prior to the 1990's gathered information for the public good.</p> <p>Funding civil society groups specifically to be the voice of the public could be considered again. Many organisations could identify solutions and advocate for good policy having canvassed members and once provided a useful low cost source of good policy and a useful sounding board.</p> <p>Finally the wording of para 56 is government centric (an alternative is suggested).</p>	
Andrew Ecclestone	<p>While commitment 6 provides for 'standards' on Digital Service Design, commitment 5 does not commit to development of an all-of-government standard on public participation.</p> <p>Commitment 5 does nothing to embed standards of public participation in government policy making and service design.</p> <p>Given the OIA have been in place for 36 years, it time that the work on public participation resulted in delivery of a concrete set of standards relating to public consultation (and other types of public participation) against which Governments and agencies can be held to account.</p> <p>The UK had central government standards for public consultation in the 1990s, and it is embarrassing that New Zealand has not yet caught up on this.</p>	
Carol Hayward	<p>Democracy and public participation need careful communication so that the right questions are asked and so that the issue is framed well.</p> <p>Communication is often not done well and requires the right expertise and to allow people to participate at a level that suits their circumstance.</p> <p>It is essential to provide feedback throughout the process.</p> <p>It is disappointing to see that public participation is at the end of the current policy method toolbox guide – efforts to include more co-design and start with engagement at the start of the process and not just at the end would be particularly beneficial. A way of incorporating citizen led approaches too would be beneficial – potentially linking in with the petitions process and helping to show that the community can make a difference and deliver change.</p>	
Kay Jones	<p>Adopting a design thinking approach with involvement of users early to design the approach and work with communities is both better for engagement and can save pain and money from inadequate consultations that go wrong.</p> <p>This commitment is a laudable goal which requires both the ability to participate and also the motivation. Where lead advocates share stories and communicate effectively, public participation increases. For example participation in submitting on and speaking to the Marriage Definition Bill showed how people could be involved. Similarly packed school halls on Climate Change statements before the Copenhagen meeting, shows the result of effective public motivation. This would be helped by more resources being made available.</p> <p>Funding for open consultation exercises could be provided on application by non-profit groups such as Action Station.</p> <p>(Note: the resource referred to in this footnote P20 is in an inaccessible format with intrusive colour effects and column layout - <a href="https://www.lgns.gov.au/files/imce-uploads/346/IAP2-Public-Participation-Spectrum-LGNSWAmalgamation-Toolkit.pdf">https://www.lgns.gov.au/files/imce-uploads/346/IAP2-Public-Participation-Spectrum-LGNSWAmalgamation-Toolkit.pdf</a>)</p>	
<b>Commitment 6 : Service Design</b>		
shanemiddlem iss	<p>Government should develop civic online platforms to facilitate co-creation of solutions to intractable problems. This would support public transparency, better and lower costs services , better quality decision making and better buy-in.</p>	<p>This comment relates to both commitments in the Public Participation Theme of the draft Plan – and both the Department of Internal Affairs (DIA) and the Department of the Prime Minister and Cabinet (DPMC) have noted this feedback.</p> <p>DIA is addressing this issue through the development of the <i>Marketplace</i>, which makes procurement of relevant solutions easier for agencies. The Loomio digital engagement tool, for example, is registered on the <i>Marketplace</i>.</p>
TINZ	<p>Criteria should be provided for the successful identification of 'assessment (conformance) models'.</p>	<p>DIA's consultation process on the Digital Service Design Standard will identify relevant models and frameworks, including relevant criteria, to inform final decisions.</p>

<b>SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES</b>		
<b>Author</b>	<b>Summary of Comments</b>	<b>Response</b>
	Target quantities should be provided for anticipated public engagement (local government agencies, community organisations/groups, etc.)	This comment is relevant to OGP processes generally and to both commitment 5 and 6 and is an area for further consideration in the context of work to encourage public engagement at broader and deeper levels.
Johnathon Hunt	Development of an assessment model cannot "ensure" agency up-take. The assessment model will need to be promoted, and obligations to use the model need to be in place.	DIA's consultation process to be undertaken as part of this commitment will inform the relevant approach in the New Zealand context and what might be required to support uptake of the model, including authorising considerations around required use of the standard.
Kay Jones	<p>Absolutely Yes to inclusion of this work in Commitment 6. NZ Government has centres of expertise in Service Design Principles and practice but the knowledge is siloed and insufficient resources and will applied to spread them more widely.</p> <p><a href="https://www.digital.govt.nz/standards-and-guidance/design-and-ux/service-design/service-design-principles/">https://www.digital.govt.nz/standards-and-guidance/design-and-ux/service-design/service-design-principles/</a></p> <p>The DIA Service Innovation Lab is doing ground-breaking work leading to more open services for New Zealanders. Their break through work coding computational legislation into open source code has the potential to be a good example for other work. Hopes to see the Holidays Act translated soon.</p> <p>There should be dedicated ongoing funding to ensure that the Service Innovation Lab can continue to plan and carry out its work and to retain sufficient staff expertise to enable projects to be completed. Staff from other agencies should be encouraged to co-partner with the Lab on a seconded or project basis and to take insights back to parent agencies on completion of the work.</p>	The Digital Service Design Standard is one part of a broader work across the system to promote collaborative ways of working and encourage the designing information and services around users' needs rather than agency silos.
<b>Commitment 7 : Official Information</b>		
R W M Dowler	Improving transparency by proactive release of Ministerial diaries	Referred to SSC for consideration as part of overall proactive release policies and practices.
Greg Rzesniowiecki	Amend the commitment relating to a possible review of the Official Information Act to add a public interest test to section 6 (Conclusive reasons for withholding official information) to deter criminal and/or corrupt activity.	This idea was also raised in the first public engagement process. Ministry of Justice (MoJ) will consider this idea and a range of other ideas submitted during that first public engagement when it tests the merits of undertaking a review of the Act, as provided for in milestone 1 of Commitment 7.
steveglassey	Departments should be rated on OIA compliance (star rating system)	SSC and the Office of the Ombudsman publish metrics on agency performance – this is evolving. See: <a href="http://www.ssc.govt.nz/official-information-statistics">http://www.ssc.govt.nz/official-information-statistics</a> Referred to SSC for consideration.
TINZ	<p>Target measures be provided for "a measurable increase" in proactive publication of requests</p> <p>Safeguards against abuse of the OIA should be developed after wide community consultation, requiring non-partisan judgement before their implementation.</p> <p>A framework of "good reasons" for withholding Cabinet Papers should be developed with wide community consultation.</p>	SSC to consider these comments as part of overall OIA and proactive release policies and practices.
Jan Rivers (Personal capacity)	<p>Supports the review of official information legislation.</p> <p>Believes the lack of a government centre of expertise in OIA servicing is what is most important. This could take be a specialised unit in the State Services Commission, Ombudsman's Office or Department of Internal Affairs. It would be</p> <ul style="list-style-type: none"> <li>• a centre of good practice and provide training across government and local government for specialists across government and</li> <li>• act as a carrot to good practice and a stick to poor practice.</li> </ul>	<p>Section 46 of the Official Information Act provides for the Secretary of Justice to provide advice or assistance or both to departments or organisations. This function has been delegated to the State Services Commissioner.</p> <p>The Office of the Ombudsman and the State Services Commissioner play complementary roles in promoting good practice in the implementation of the Official Information Act.</p> <p>See: <a href="http://www.ssc.govt.nz/official-information-guidance">http://www.ssc.govt.nz/official-information-guidance</a> also <a href="http://www.ssc.govt.nz/official-information-statistics">http://www.ssc.govt.nz/official-information-statistics</a> also <a href="http://www.ssc.govt.nz/oia-forum">http://www.ssc.govt.nz/oia-forum</a></p> <p>See: <a href="http://www.ombudsman.parliament.nz/resources-and-publications/oia-complaints-data">http://www.ombudsman.parliament.nz/resources-and-publications/oia-complaints-data</a></p>

## SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES

Author	Summary of Comments	Response
Andrew Ecclestone	<p>This commitment should be part of the preceding theme about participation in the development of policy and the design of services.</p> <p>This continues a longstanding problem with governments paying more attention to the accountability aspect of the OIA's purposes, rather than the first aspect relating to public participation in the making and administration of laws and policies.</p> <p>OGP is fundamentally about increasing and improving public participation in policy development and service design.</p> <p>The draft commitment's first milestone places the process entirely in the hands of officials and Ministers, and does not live up to the spirit of the OGP's requirements and New Zealand's commitment to them.</p> <p>Recommends that the commitment wording be amended to read:</p> <p>Consult the public on which aspects of the Official Information Act 1982 they believe need amending, and publish both the submissions received and the analysis of those submissions prior to submitting advice to Government.</p>	<p>The comment raises an important point. The first purpose of the Official Information Act (OIA) has dual objectives of facilitating public participation and improving accountability, to enhance respect for the law and promote good government. On balance, SSC and MoJ concluded that the Commitment should remain in Theme Three which is about Transparency as well as Accountability.</p> <p>All the commitments in Theme Three support transparency in various ways for both participation and accountability. The introductory comments of both Themes Two and Three have been amended to reflect this link between the two themes.</p> <p>MoJ and SSC to consider this feedback in the implementation of this commitment.</p>
Kay Jones	<p>Some agencies delay responses to requests unreasonably and are reluctant to provide information, even where no good grounds for refusal exist. Information, except personal information, should be Open By Default. Sensitive personal information should be protected, and other personal information anonymised and aggregated and released either as shared information in the IDI, or as Open Data. It is important that data patterns and information can be released openly for evidence based decision making and to enhance transparency and scrutiny of government actions. In some cases commercial gains may result but this may be a good thing for the economy provided no one party gains an unfair advantage. Publicly funded research should be released openly.</p>	<p>SSC, MoJ, DIA and Stats NZ to consider this feedback in implementation of their commitments and/or in wider work programmes.</p>
<b>Commitment 8 : Review of Government use of Algorithms</b>		
TINZ	<p>Engagement of community groups in the algorithm review should be clearly identified.</p> <p>A framework of risk management should be established to ensure appropriate use of algorithms.</p>	<p>Stats NZ to consider this comment when implementing the commitment.</p>
Jan Rivers (Personal capacity)	<p>A good result of this commitment would substantially help to rebuild trust in government. The commitment to take it into the next planning period updated based on progress is a good initiative.</p> <p>The next step will be an ongoing appraisal mechanism where a civil society group, associated perhaps with the Privacy Commissioner, can be part of the ongoing assessment of new uses of algorithms.</p> <p>NZ should use technology to make quality decisions when we can be sure that the technology does not red-line people in or out of services based on criteria that may be discriminatory or wrong.</p> <p>Some of the work around risk and health could be really useful for selecting people at risk of adverse health outcomes</p>	<p>Stats NZ appreciates the support for this commitment.</p> <p>The balance of the comments may be useful inputs to the next stages of this work and/or to the public engagement process to develop the next Plan.</p>
Kay Jones	<p>Yes to Algorithm Review, and to working with Open Source community on ensuring that algorithms are clear and transparent. If proposed algorithms can't be shared publicly and understood by at least three people outside government agency, should they be used? Overseas experience suggests no, not if Government wants to build trust in its digital processes. Expert advisory panels may help. <a href="https://algorithmwatch.org/en/eu-high-level-expert-group-on-artificial-intelligence/">https://algorithmwatch.org/en/eu-high-level-expert-group-on-artificial-intelligence/</a> and <a href="https://euagenda.eu/upload/publications/untitled-147316-ea.pdf">https://euagenda.eu/upload/publications/untitled-147316-ea.pdf</a></p> <p>How Policymakers Can Foster Algorithmic Accountability - By Joshua New and Daniel Castro   May 21, 2018</p> <p>Recommends that collaboration [on the next steps for assurance of use of algorithms] include private sector associations and companies, including InternetNZ, NZRise, ITP NZ, and NZFOSS (NZ Free and Open Source Software society).</p>	<p>Stats NZ appreciates the support for this commitment and will consider these suggestions when implementing this commitment.</p>
<b>Commitment 9 : Increase the visibility of government's data stewardship practices</b>		
TINZ	<p>Period of 'engagement with citizens on data stewardship' should be extended to allow a generous actual-consultation period, beyond typical tight timings sometimes offered.</p> <p>The 'engage with citizens and government' intention should be made "periodically on-going", rather than a one-off activity currently indicated.</p>	<p>Stats NZ has acknowledged this feedback and has extended the timeframes for this commitment's milestones to enable more effective consultation.</p>

<b>SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES</b>		
<b>Author</b>	<b>Summary of Comments</b>	<b>Response</b>
Kay Jones	<p>Increase visibility and active discussions, especially with guardians of Māori Data Sovereignty <a href="https://www.temanararaunga.maori.nz/">https://www.temanararaunga.maori.nz/</a></p> <p>Increase education and awareness of data and information for all New Zealanders. What is personal information, and what are their rights? What is Open data? What is Shared data and who can see it? This information should be added to formal education programmes and be made readily available in entertaining formats.</p> <p>An additional area where action is needed is to strengthen the Privacy Bill with closer alignment with the EU's GDPR General Data Protection Regulation. New Zealand currently has EU adequacy status with respect to our privacy and personal laws, this is reviewed on an annual basis and it could be revoked if New Zealand practice slips too far behind that in the EU.</p>	<p>Stats NZ is:</p> <ul style="list-style-type: none"> <li>partnering with iwi and Māori communities and organisations to ensure data stewardship practices include te ao Māori and Treaty perspectives</li> <li>enhancing <a href="https://data.govt.nz/">data.govt.nz</a> to provide more information about data, including open and shared data.</li> </ul>
<b>Commitment 10 : Monitoring the effectiveness of public body information management practices</b>		
steveglassey	The Chief Archivist should conduct periodic inspections of government departments to ensure compliance with the Public Records Act.	This suggestion is within the scope of Commitment 10 in the draft Plan and it will inform work by Archives New Zealand (Archives) on the commitment.
TINZ	Recommends this data being available for Application Programming Interface (API) for commercial or mass use.	Archives confirms that results datasets will be available as open data for use and reuse.
Johnathon Hunt	<p>Government needs to treat data as infrastructure, especially previously public data such as URLs.</p> <p>The first milestone in commitment 10 should specifically address the incidence of "link-rot" or HTTP 404 Page not found errors on government websites. So much government material is published online, but page not found errors are rife; it seems every time an agency changes content management system they allow all the page URLs to break, instead of providing HTTP redirects. Citizens often have to resort to archive.org to find missing content.</p>	<p>Archives confirms that accessibility of the public record is one of the criteria that will be monitored, but initial monitoring will be at a more aggregated level than suggested.</p> <p>More granular monitoring including maintenance of access through urls, will need to be a future initiative.</p>
Kay Jones	Yes!	Thank you for your support.
<b>Commitment 11 : Authoritative dataset of government organisations as open data for greater transparency</b>		
Jan Rivers (Personal capacity)	This commitment could be made more ambitious. Archives NZ has a full dataset of government agencies as part of the information it has to describe archival material and contains metadata on previous agencies and the movement of functions between agencies over time. This should be used to support the project otherwise it would create a duplicate dataset and prevent it from ever being able to track agency changes over time.	<p>DIA recognises that duplication exists and there is no cross-agency maintained authoritative source dataset/register of all government organisations for New Zealand.</p> <p>DIA will contact and engage agencies (including Archives) that hold similar datasets to work through the process of getting agreement for a common standard and ongoing maintenance for such a dataset.</p> <p>In the context of the upcoming State Sector Reform DIA intends to ensure that the data standard that is agreed is able to account for changes in structure over time. There is precedent for how to do this and open standards to implement this.</p>
Johnathon Hunt	<p>I endorse this commitment and suggest it be expanded to include wider government spending, not just GETS contracts. NZ's ranking on the Open Data Barometer is detrimentally affected by the lack of transparency of budget expenditure.</p> <p>See <a href="https://opendatabarometer.org/country-/?_year=2017&amp;indicator=ODB&amp;detail=NZL">https://opendatabarometer.org/country-/?_year=2017&amp;indicator=ODB&amp;detail=NZL</a> column re "Detailed data on government spend.</p>	<p>DIA appreciates your support for this commitment.</p> <p>The proposed dataset and standard used will be able to be extended over time. Once the initial set is in place and well-maintained this will act as a foundational dataset layer to which other datasets could be overlaid in due course.</p>
Kay Jones	<p>More open sharing about open data sets, supported. More data sets that are actually open data in format released and curated. Many data set links are curated but not the data sets themselves. Some data sets are neither truly open nor usable, they're not checked or accurate.</p> <p>There should also be more resource information on where to start, what can be done, and examples. I have visited <a href="https://data.govt.nz/">https://data.govt.nz/</a> but only searched for particular sets rather than making greater use of the resource. Few people are trained in using data sets and manipulating formats. Without Data 101 resources and guides to using the site and the datasets, the site presents a wasted opportunity for the general public.</p>	<p>DIA appreciates your support for this commitment.</p> <p>DIA is partnering with Stats NZ (the lead on learning and guidance around data on <a href="https://data.govt.nz/">data.govt.nz</a>).</p> <p>The final milestone for this commitment will include showcasing how a foundational government dataset can be used and seeking active projects to make use of the new, authoritative and maintained machine readable dataset.</p>
<b>Commitment 12 : Open Procurement</b>		

**SUMMARY OF PUBLIC COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20 AND RESPONSES**

<b>Author</b>	<b>Summary of Comments</b>	<b>Response</b>
Andrew Ecclestone	<p>This draft commitment ignores the work taking place internationally on open procurement, no mention of the Open Contracting Partnership and its existing standard for publication of information about contracts awarded by government.</p> <p>The commitment should be amended to explicitly refer to reviewing and taking into consideration the Open Contracting Partnership standards.</p> <p>The first part of the draft commitment should also explicitly refer to a public consultation exercise, not merely 'design with the public', which could easily be interpreted to mean 'consult with our selected stakeholders'. If the Government means 'consult with the public', it should say so in the commitment.</p>	<p>MBIE will:</p> <ul style="list-style-type: none"> <li>• use the Open Contracting Data Standard to inform the work supporting this commitment</li> <li>• report on how it has used the Standard and how it intends to engage with the public in its reporting on progress with the commitment.</li> </ul>

SUMMARY OF COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20		
Author	Summary of Comments	Response
<b>3. Other comments – new ideas, plus other suggestions that are not directly relevant to open government</b>		
JHilario	Increase local government accountability so that it matches the degree of accountability of central government	This idea was not included in the initial public engagement process to develop this Plan. It may be relevant for consideration in other work programmes or during development of the next plan. Referred to DIA.
RobTScot	Make it a requirement that bodies which impose infringement fees give a minimum of one month to comply	Outside the scope of open government. Referred to MoJ.
steveglassey	A metric to track misconduct and complaint satisfaction by agencies is needed (a star rating system).	This idea was not included in the initial public engagement process to develop this Plan. It may be relevant for consideration in other work programmes or during development of the next plan. Referred to SSC.
steveglassey	All public servants and contractors to be trained to understanding the democratic instruments within government including OIA, Public Records Act, Code of Conduct, Privacy Act, freedom of the press, academic freedom, freedom of speech, human rights etc.	Referred to SSC for consideration. Similar suggestions were made in the initial public engagement process to develop this Plan.
connemaranz	Refocus MPI on its biosecurity and animal welfare responsibilities.	Outside the scope of open government. Referred to SSC.
phughes	All land ownership beneficial interests are public	The issue of a register of beneficial ownership of companies and trusts was raised and is the subject of a public consultation process being led out of MBIE.  Referred to LINZ (responsible for the land tenure system).
alanwilliampreston	Provide a clear definition of Ministers responsibilities and obligations so the public can be clear about the expectations they can have of Ministers.	This idea was not included in the initial public engagement process to develop this Plan. It may be relevant for consideration in other work programmes or during development of the next plan. Referred to MoJ/Crown Law Office.
Kay Jones	<p><b>Census</b></p> <p>The switch to an Online Census with limited access to paper Census forms saw a decrease in participation. Part of this would have been due to the Digital Divide. People without secure housing or access to a computer had limited ability to participate. For some people, completion of the online Census could be done only by giving incorrect information, e.g. in respect of self identified gender.</p> <p>There needs to be more assistance provided to people and more open box options where the answer to a question is more complicated. Support from Community Hubs or mobile assistants is one way to help with the Census process. Co-designing forms with sensitive or marginalised populations including disabled people and LGBTIQ+ (or “Rainbow”) people would also help. Gender is more than M or F options.</p>	<p>Stats NZ is undertaking an independent review of the 2018 Census to understand what factors contributed to the lower-than-expected participation rate.</p> <p><a href="https://www.stats.govt.nz/news/independent-reviewers-of-2018-census-appointed">https://www.stats.govt.nz/news/independent-reviewers-of-2018-census-appointed</a></p> <p>The census forms were designed and tested to ensure they were easy to use and would result in good quality data and meet information needs</p> <p><a href="https://www.stats.govt.nz/methods/2018-census-design-of-forms">https://www.stats.govt.nz/methods/2018-census-design-of-forms</a></p>
	<p><b>Community Hubs</b></p> <p>Establish joint agency Community Hubs with free Wifi and computer terminals with government staff to act as navigators and assistants for Government services. Computers could have limited internet access set to government agency sites and be used for interactions with agencies. Staff could help with assistance where required especially for older or disabled users. Such Hubs could be established in all cities and townships and more remote communities. Where communities lacked other private sector services such as banking, the Hub could negotiate limited services on third party representation basis.</p> <p>It is important for building relationships and knowledge that staff be employed on a long term basis, at least initially. The ability to understand and relate to local issues will be paramount. A Community Hub in Otaki should include speakers of Te Reo Māori. A Community Hub in parts of Auckland should include Chinese language speakers.</p>	Similar ideas were generated in the initial public engagement process; they were not progressed for this Plan and may be relevant for other work programmes or consideration during development of the next Plan. Referred to DIA.
	<p><b>Diversity And Cultural Communities</b></p> <p>At a government agency level, more needs to be done to accept and include diversity. EEO (Equal Employment Opportunities) policies are a start but welcoming diversity needs more than agreement not to discriminate against individuals. Should include visible role modelling, sharing of success stories, information about inclusiveness and about accessibility of physical and digital spaces. Each public building should have an accessible toilet and information about its location available to visitors and staff. Where this does not yet exist, plans for improvements should be encouraged with advice from the Office of Disability Issues, and other population agencies (Ministry for Women, TPK, Ministry of Pacific Peoples, and Office of Ethnic Communities)</p>	<p>Noted. Referred to SSC.</p> <p>Diversity and inclusion are an important part of how Plan 2018-20 will be implemented.</p>

SUMMARY OF COMMENTS ON THE DRAFT NATIONAL ACTION PLAN 2018-20		
Author	Summary of Comments	Response
	and from relevant local advisors. Rainbow inclusiveness can be shown by participation in and certification with the Rainbow Tick.	
	<p><b>Anti-Corruption Measures</b></p> <p>Protected Disclosures policies should be implemented throughout the state sector, possibly in association with State Sector Reforms, to provide a confidential channel for inquiries into inappropriate actions within agencies, and support for whistle-blowers if they need to be identified.</p>	<p>The Minister of State Services has announced a Review of the Protected Disclosures Act 2000. Comment has been sought on 5 options which include a combination of guidance and targeted improvements to the law that aim to:</p> <ul style="list-style-type: none"> <li>• ensure a clear focus on the issues that pose the biggest threats to the public interest</li> <li>• build strong foundations and encourage open organisational cultures</li> <li>• set out clear definitions and rules to make the law easy to use and understand</li> <li>• promote fairness by ensuring everyone is treated with respect throughout the process.</li> </ul> <p>Referred to SSC.</p>
	<p><b>WellBeing Indicators</b></p> <p>A Living Standards Dashboard, Indicators Aotearoa New Zealand and a Wellbeing Budget in 2019 are all important, but they need to be framed in clear language so that the public understand. Examples of why Wellbeing matters should also be included in public documentation. An environment field officer may not think of WellBeing measures when reporting on the State of Rivers but that environmental measure may have an impact on WellBeing.</p> <p>There are quantifiable economic harms from negative actions against WellBeing that are subject of reports by NGOs such as the Child Poverty Action Group and agencies such as the Ministry for Women and MSD. What is the cost of domestic violence? Of child abuse? There are research findings on the gains from supporting Wellbeing too, such as the threefold gain back to the economy from spending on the public health sector (refer to The Body Economic: Why Austerity Kills by David Stuckler and Sanjay Basu.</p> <p>These harms and benefits should be included in discussion documents and releases.</p>	<p>Referred to the Treasury and Stats NZ as they develop and implement respectively the Living Standards Dashboard and Indicators Aotearoa New Zealand.</p>
	<p><b>School Toolkit</b></p> <p>Every young person should also have knowledge of their own body and sexual identity and have the knowledge and confidence to keep themselves safe and healthy. ERO findings indicate that there is inconsistent and inadequate education on sexuality and gender identity. This can have negative and longterm consequences for some students. Support for students and professional development and resources for teachers are both needed. <a href="https://nzfvc.org.nz/news/ero-report-school-based-sexuality-education-finds-ongoing-inadequacies-and-inconsistency">https://nzfvc.org.nz/news/ero-report-school-based-sexuality-education-finds-ongoing-inadequacies-and-inconsistency</a></p>	<p>Noted – the Ministry of Education has other work programmes underway focused on sexuality education.</p>
Siobhan Leachman	<p>The plan takes a narrow view of "access", it reads as if "access" is the ability to "see" the content held and generated by government.</p> <p>The public needs to be able to reuse content and not just for innovation.</p> <p>The ability to access and reuse content will assist and encourage public participation in policy development and the ability of the public to engage with official information (as defined in the Act).</p> <p>At present, because of the inability of departments to work out the rights of the public when it comes to reusing content, the public are being hindered in engaging with official information and are being restricted in their ability to participate in policy development.</p> <p>This structural failure in implementation by the government will hinder the aims of the Action Plan for Open Government.</p> <p>I have had several instances where I have had difficulty obtaining access to and reusing content held or created by government departments and government funded institutions because of either they are not able, or their policies prevent, facilitation of public access to, and reuse of, content created or held by them. I believe there are currently structural or resourcing failures which result in the public being unable to engage with information held or created by the government.</p> <p>While the current Copyright Act may need to be amended or changed, it is not the current Act that hinders innovation. The policies and resources within government departments are hindering the public's access and ability reuse to information and content held and generated by the Government. While "GOAL" - the New Zealand Government Open Access and Licensing framework - has gone some way in encouraging departments to facilitate access and reuse, this framework doesn't go far enough (examples provided).</p>	<p>Referred to Stats NZ for consideration for the Open Data Action Plan.</p> <p>OoC also confirmed that the Parliamentary Engagement Strategy recognises the need to move beyond communicating with the public to active engagement with the public to maintain its relevance.</p>