Taiwan Open Government Co-Creation Brief 2024

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Introduction

This brief, based on the Open Government Partnership (OGP)'s Independent Reporting Mechanism (IRM) review process, offers independent recommendations for co-creating and designing Taiwan's second open government national action plan. It seeks to strengthen the quality, ambition, and feasibility of the commitments to be drawn up for this action plan. It does not evaluate Taiwan's first national action plan. Its purpose is to inform the planning process for co-creation and ambitious reform for the second plan and is based on local and international interviews and external research between February and April 2024.[1]

The brief also draws on the results of the research in the *Initial Independent Review of the Taiwan Open Government National Action Plan 2021 – 2024,* the government's annual progress reports on implementing the first action plan and other sources such as the Open Government Partnership documents *OGP National Handbook*, *OGP Participation and Co-creation Standards*, and the IRM's guidance on online OGP repositories and the minimum threshold for "involve". Its recommendations consider developments since the release of the Initial Independent Review and draw on comparative international experience in designing and implementing OGP action plan commitments. It has been reviewed by an external reviewer, Nodar Kherkheulidze, for consistency, accuracy, context-relevance, and actionability of the recommendations.

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Section I: Action Plan Co-Creation Process

Taiwan's open government national action plan 2021-2024, published in January 2021, follows international OGP practice. The usual international practice for developing the next action plan is for a country to commence its work after it has received an independent Co-Creation Brief which summarises stakeholder feedback on the co-creation process and areas of opportunity to be considered for commitments. While it is disappointing that Taiwan has already called for and received commitment proposals before receiving and considering this Brief, it is pleasing that this new action plan is being developed after the January 2024 Presidential and Legislative elections. There is an opportunity for Taiwan to extend and demonstrate collaborative co-creation by the government and civil society and to respond to the electorate's desire for stronger government accountability and tangible reforms.

The reviewers endorse the advice from a private sector member of Taiwan's second open government Task Force, CEO of DSP, Inc, Taiwan: "*I think open government can help civil servants do their jobs. The more transparent the government is, the more citizens understand what civil servants do. Civil servants can save time explaining what they are doing, and citizens can trust civil servants and the government more.*"[2]

To strengthen the co-creation process for the government and civil society and to follow the OGP's minimum Participation and Co-Creation standards[3], the independent reviewers recommend the following:

1. Fully resource, fund and train the organization(s) leading Taiwan's open government program
2. Broaden civil society representation on the Task Force to represent Taiwan's cultural diversity
3. Extend public outreach during co-creation to demonstrate and promote wider community participation
4. Establish working groups of task force members and government departments to agree on priority themes and draft commitment proposals for public consultation
5. Ensure the repository is updated regularly to keep the public up to date.

RECOMMENDATIONS

Recommendation 1: Fully resource, fund and train the organization(s) leading Taiwan's open government program

Taiwan, through leadership by Ministers and the National Development Council (NDC), met the OGP's minimum participation and co-creation standards when it developed its first action plan. Continued effective leadership in 2024 is crucial to provide civil servants, civil society, and the public with a clear signal that the government will continue to work hard on and invest in open government. It is pleasing that the funding for the Task Force has been secured to formulate the second action plan. More recently, civil society Task Force members and civil society organisations have raised concerns about the level of reporting on action plan implementation progress. There is an opportunity to address leadership, oversight and implementation concerns now, before the co-creation of the second action plan, and when new Ministerial positions are being finalized. The NDC could formally collaborate with the

Democracy Network Agency in the new Ministry of Digital Affairs and with the Control Yuan to lead and increase engagement across departments and agencies and raise the civil service's understanding and implementation of open government commitments. This collaborative cross-government open governance model could use the government's extensive online tools and platforms to promote more active public participation in the open government program and demonstrate joint leadership and decision-making to civil society. This approach would expand the community's understanding of open government values and could encourage wider community involvement, including indigenous, minority and immigrant groups.

Understanding of open government principles varies widely among departments. To ensure that civil servants can effectively incorporate open government principles into their work, a series of trainings is recommended. The Examination Yuan could provide open government training to entry-level civil servants and senior civil servants. Open government training should involve utilizing open data to promote dialogue and collaboration with civil society groups. It is also important to emphasize that open government is not limited to open data.

Recommendation 2: Broaden civil society representation on the Task Force to represent Taiwan's cultural diversity

The upcoming work to co-create the second national action plan offers the opportunity to broaden civil society representation on the Task Force by requiring equal government/civil society representation which reflects Taiwan's diverse communities. A new appointments committee of joint government and civil society members could be formed to invite public nominations and select the civil society members. The committee could be charged with ensuring that a broader range of regional and ethnic interests is represented. Widening civil society representation can contribute to improvements in collaboration throughout the action plan process – from development to implementation and monitoring of changes. It can help identify issues of most concern to a diversity of the population and promote joint problem-solving. The OGP's handbook on designing and managing an MSF provides assistance with the creation of the MSF and participant recruitment, managing the ongoing operations of the MSF, and participation in the development of the National Action Plan.

Recommendation 3: Extend public outreach during co-creation to demonstrate and promote wider community participation

To broaden public engagement, public outreach can be treated as a continuous activity of the participation process. Rather than confining outreach to planned traditional consultations, each phase of co-creating and implementing the action plan can offer opportunities for ongoing collaboration. The Task Force can diversify perspectives by consulting new groups among indigenous, minority and migrant communities, private sector stakeholders, and others. To support engagement, background documents and action plan text for public discussions could use simple, clear non-bureaucratic language. A well-resourced and strategic approach to communication across different media sources could expand the level and scope of this public outreach. This could include more active use of Taiwan's open government social media accounts, as well as traditional government websites and social media. Taiwan's lead open government organisation and the other departments represented in the Task Force, particularly through their responsible Ministers, could be assisted to actively raise Taiwan's open government profile in the mainstream media. The civil society members of the Task Force could be invited to provide contributions and formally assist with the planning and

delivery of this public outreach. Inviting public participation at public meetings and throughout the process could attract new potentially interested stakeholders. Regular reference to successful open government commitments and their results could also raise understanding and attract interest. Civil society organisations could be encouraged to host open government activities, such as workshops, that promote open government and explain how citizens and NGOs can get involved in the process of creating the national action plan. The government should avoid relying on contracts to work with NGOs as these limit meaningful participation and put civil society groups in an inferior position to the departments.

Recommendation 4: Establish working groups of Task Force members and government departments to agree on priority themes and draft commitment proposals for public consultation

To fully apply the expertise of the Task Force members and their organisations and constituencies when co-creating the second action plan, working groups of equal numbers of government and civil society members could be formed to draw up a pre-consultation list of priority themes and draft initial commitments. These groups would have the capability to make recommendations to the full Task Force. This approach was adopted by the Australian Open Government Forum (OGF) when developing its third national action plan in 2023. The three OGF Working Groups actively considered and debated the proposals, invited public and private experts to assist them, and sought public feedback using online surveys. It also needs to be accompanied by a parallel strategy to consult extensively with the public on the themes and on the draft commitments. While the subsequent Australian process to provide feedback to the public submitters was restricted and failed to reach a wide public audience, the use of Working Groups of equal numbers of government and civil society members to draw up a pre-consultation list of priority themes and draft initial commitments is very worthy of consideration. The government and civil society Co-chairs led a very collaborative process which relied on joint decision-making by all members. For Taiwan to adopt this collaborative approach, an amendment to Regulation Six of the Regulations for Establishment of the Executive Yuan Open Government National Action Plan Taskforce would be required.

Recommendation 5: Ensure the repository has high visibility and is updated regularly to keep the public up to date

Taiwan's online open government repository is publicly available and has no major barriers to access. The English language version briefly describes the core values of open government, links to the Task Force regulations, the first national action plan, annual progress reports and minutes of Task Force meetings. The Chinese version includes information (including documents and videos) about five workshops explaining how to submit proposals for the second action plan. This repository is located on the NDC website under Main Operations/Social Development/Open Government National Action Plan. It would have much higher visibility if it became a standalone open government website with a higher-level domain name such as opengovernment.tw. Regular online publication of Task Force membership, implementation progress updates, co-creating the second action plan, including any reasons for delays and next steps, will raise public awareness of and trust in the process and reduce barriers to participation. The OGP Participation and Co-Creation Standards encourage maximum transparency to enable participation and accountability.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

Civil society members recommend that the design and implementation of commitments in the second action plan should start with the departments that are interested in and have sufficient resources for open government activities. Rather than trying to involve as many departments as possible, it is advisable to limit the number of commitments to a reasonable level. Interviews have highlighted the importance of focusing on outcomes rather than outputs when designing any commitment. In the first action plan, most departments focused on the number of activities they hosted rather than discussing the potential impact and changes resulting from these activities. Therefore, when evaluating the milestones of commitments in the second action plan, departments should pay attention to the outcomes.

Areas of opportunity for the second national action plan include continuing and expanding open government data work; gathering data on the progress of indigenous language, culture, and art; public engagement and artificial intelligence language models; and promoting Taiwan's open government successes and achievements.

AREA 1. Open Data

Open data continues to help to build trust in government among citizens and encourage them to participate in different policy-related activities. Communities and businesses use it to create new services, applications, and tools. However, data quality is a significant concern among those who use government data, and the interaction between government officials and data practitioners needs to be improved. Top priority in the next action plan could be given to finalising and passing the open data legislation which has not progressed since 2020. It could also develop measures to ensure consistent data quality and for government officials to respond more effectively and efficiently to data practitioners' requests. New releases could be released on data.gov.tw more regularly and online advice such as Frequently Asked Questions updated regularly.

A next stage for the first action plan's high value data work in Commitments 1-1 and 1-2 could be evaluating and potentially adopting the European Union's 21 December 2022 high-value data regulation. Additionally, civil servants could assess the use, benefits and impact of open data re-use by studying the winners of Presidential Hackathons and promoting those results publicly. The work set by the Constitutional Court in October 2022 to establish an independent supervisory mechanism and clearer legislation regarding when sensitive health data can be used could be the next stage of Commitment 1-3's work, and, finally, a programme could be set up to develop net zero emissions policies based on open data.

Useful resources:
- Commission Implementing Regulation (EU) 2023/138 of 21 December 2022 laying down a list of specific high-value datasets and the arrangements for their publication and re-use
- Tseng, H., Nikiforova, A. (2024). "Unlocking the Potential of Open Government Data: Exploring the Strategic, Technical, and Application Perspectives of High-Value Datasets Opening in Taiwan". In Proceedings of the 25th Annual International Conference on Digital Government Research

- Cheng, W.-C. and Chiu, M.-H.P. (2023). What is the Process of Data Practitioners Utilizing Open Government Data? Proceedings of the Association for Information Science and Technology, 60: 923-925
- Robbins, Sam and Chia-Shuo Tang. How Asia's Digital Governance Beacon Balances Data Privacy and the 'Public Good'. The Diplomat, 20 October 2022.
- Open Data Charter. Tools to help implement open thematic policies that integrate both supply and demand of data on anti-corruption, climate action, gender equality, data rights and artificial intelligence
- Open Government Partnership's Open Data Advice.

AREA 2. Digital inequalities faced by indigenous populations

The Open Government Partnership's 2023-2028 Strategy seeks inclusion of those peoples traditionally underrepresented due to gender, race, ethnicity, geography, or socioeconomic status, and it encourages countries to make concrete commitments to advance and mainstream inclusion in their open government process and commitments.

Addressing digital inequalities faced by Taiwan's indigenous populations could be included in the second action plan. This could broaden who participates in policymaking and ensure that government policies reflect the considerations of those most impacted. The government could collaborate with indigenous tribes and communities to gather data on the progress of indigenous language, culture, and art. This information could then be utilized to make more informed decisions regarding laws and policies concerning indigenous populations, ensuring that they align with the unique needs and expectations of these communities. It could be supplement and benefit from the project being co-hosted by the Ministry of Digital Affairs and the Council of Indigenous Peoples from 2021 to 2024 to improve broadband access for the indigenous population living in remote areas.

Useful resources:
- Open Government Partnership Strategy 2023-2028, in particular, strategy goals and theory of change
- Open Government Partnership Indigenous recommendations
- Fuyou Wu. 2023. Unfinished Business in the Age of Big Data: On the Importance of Indigenous Databases. Taiwan Indigenous Studies Review 33: 101-126.

AREA 3. Public engagement and artificial intelligence language models

Taiwan's next action plan could build on Taiwan's recent work considering the potential of technology to engage and work together with citizens. A new commitment could extend both its Gov Zero work and its development of open-source and free software tools to create generative artificial intelligence models that aid in government decision-making. Milestones could include civil servants engaging more actively with civil society to create language models that help them collect, comprehend, and respond to public feedback efficiently, saving time and resources. An outcome could be civil society legally replicating the tools on their own personal computers. This necessary work to use artificial intelligence for public good could increase civic participation in government's decision-making and illustrate Taiwan's innovative open government technology internationally.

Useful resources:

- Electronic Frontier Foundation Podcast episode: Open source beats authoritarianism. Audrey Tang. 27 February 2024
- Harnessing AI to improve government services and customer experience: Written Testimony of Dr Beth Simone Noveck before the United States Senate Committee on Homeland Security and Governmental Affairs, published 10 January 2024
- Joseph Foti, OGP. How Machine Learning and Artificial Intelligence Will Change Freedom of Information Administration. 30 March 2024.

AREA 4. Demonstrate open government success

The second action plan could display and celebrate Taiwan's successful commitments in order to demonstrate the value of collaborative work between government, civil society and private organisations. Case studies could be published to describe the impact of the Department of Justice's anti-corruption work, including the procurement integrity platform, what Taiwan's adoption of the open contracting mechanism has achieved and the value of the youth participation platform for increasing youth engagement in government policy development. For example, the procurement integrity platforms serve as a meeting point for government agencies, construction companies, NGOs, and community residents at the outset of a project. They also provide updates on the project's progress, real-time images and offer dispute resolution services through liaison meetings. These platforms aim to enhance transparency and provide security to the first-line civil servants. The case studies could be written in collaboration with the civil society participants and private sector organisations whose interaction with the government has been improved by these reforms. They could be published on a range of online websites and social media platforms so that they reach a broader and more diverse open government audience than currently achieved.

Useful resources:

- Chul Hyun Park and Koomin Kim. February 2022. Exploring the Effects of the Adoption of the Open Government Partnership: A Cross-Country Panel Data Analysis. Public Performance and Management Review
- OGP. Investing in openness: business engagement in open government reforms
- OGP. Learning to Open Government: New Evidence to Inform OGP's Efforts to Make Change Happen.

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[1] Interviews were conducted between February and March 2024 with six civil society members in Taiwan, including Chi-Ming Peng, President, WeatherRisk Explore Inc, Chia-Kai Liu, CEO of DSP, Inc., Taiwan, and Urda Yen, Chairperson, Tainan Sprout and three anonymous civil society representatives; and with three international experts in Australia and New Zealand.

[2] Independent Reviewer's interview with Chia-Kai Liu, a member of Taiwan's second open government Task Force, CEO of DSP, Inc, Taiwan, 26 March 2024.

[3] https://www.opengovpartnership.org/wp-content/uploads/2022/05/IRM-Guidelines-for-Assessment-of-Minimum-Requirements_20220531_EN.pdf