5. Open Government & Open Data as a feasible solution?

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5.1. Introduction

As shown in the preceding chapters, neither technical nor legal remedies seem capable of "saving us" of fake news and hate speech, at least not in a liberal and Human Rights-oriented regime like in the CoE Member States. The question arises, whether other remedies are (better) applicable. If it seems impossible to remove both hate speech and fake news like an unwanted weed from a flower bed, could it be more feasible to cover them with the more desired plants? In our situation, could a culture of more Open Data and Open Government, via increased transparency and subsequently accountability lead towards a reduction of people listening to hate speech and fake news?

The terms Governance, Open Governance, Open Government and Open Data and the term transparency are often confused. The authors attempt to clarify these terms and bring them into a comprehensive and understandable order, as you can hopefully agree on when having read this chapter, starting with principles of (Good) Governance.

5.2. Principles of Good Governance

In 2008, the Council of Europe published a list of 12 arguments that can be used as a guide for Good Governance. The 12 Principles are enshrined in the Strategy on Innovation and Good Governance at the local level, endorsed by a decision of the Committee of Ministers of the Council of Europe. They cover issues such as ethical conduct, rule of law, efficiency and effectiveness, transparency, sound financial management and accountability [5-1].

Good Governance is transparent, efficient and gives account to the entire population including all minorities. The participation of all subgroups of the population is paramount. All citizens are provided with all the services and public goods they need [5-2].

"12 Principles of Good Governance [COE]

1. Fair Conduct of Elections, Representation and Participation

- Local elections are conducted freely and fairly, according to international standards and national legislation, and without any fraud.

- Citizens are at the centre of public activity and they are involved in clearly defined ways in public life at the local level.

- All men and women can have a voice in decision-making, either directly or through legitimate intermediate bodies that represent their interests. Such broad participation is built on the freedoms of expression, assembly and association.

- All voices, including those of the less privileged and most vulnerable, are heard and taken into account in decision-making, including over the allocation of resources.

- There is always an honest attempt to mediate between various legitimate interests and to reach a broad consensus on what is in the best interest of the whole community and on how this can be achieved

- Decisions are taken according to the will of the many, while the rights and legitimate interests of the few are respected.

2. Responsiveness

- Objectives, rules, structures, and procedures are adapted to the legitimate expectations and needs of citizens.

- Public services are delivered, and requests and complaints are responded to within a reasonable timeframe.

3. Efficiency and Effectiveness

- Results meet the agreed objectives.

- The best possible use is made of the resources available.

- Performance management systems make it possible to evaluate and enhance the efficiency and effectiveness of services.

- Audits are carried out at regular intervals to assess and improve performance.

4. Openness and Transparency

- Decisions are taken and enforced in accordance with rules and regulations.

- There is public access to all information that is not classified for well-specified reasons as provided for by law (such as the protection of privacy or ensuring the fairness of procurement procedures).

- Information on decisions, implementation of policies and results is made available to the public in such a way as to enable it to effectively follow and contribute to the work of the local authority.

5. Rule of Law

- The local authorities abide by the law and judicial decisions.

- Rules and regulations are adopted in accordance with procedures provided for by law and are enforced impartially.

6. Openness and Transparency

- The public good is placed before individual interests.

- There are effective measures to prevent and combat all forms of corruption.

- Conflicts of interest are declared in a timely manner and persons involved must abstain from taking part in relevant decisions.

7. Competence and Capacity

- The professional skills of those who deliver governance are continuously maintained and strengthened in order to improve their output and impact.

- Public officials are motivated to continuously improve their performance.

- Practical methods and procedures are created and used in order to transform skills into capacity and to produce better results.

8. Innovation and Openness to Change

- New and efficient solutions to problems are sought and advantage is taken of modern methods of service provision.

- There is readiness to pilot and experiment new programmes and to learn from the experience of others.

- A climate favorable to change is created in the interest of achieving better results.

9. Sustainability and Long-term Orientation

- The needs of future generations are taken into account in current policies.

- The sustainability of the community is constantly taken into account.

- Decisions strive to internalise all costs and not to transfer problems and tensions, be they environmental, structural, financial, economic or social, to future generations.

- There is a broad and long-term perspective on the future of the local community along with a sense of what is needed for such development.

- There is an understanding of the historical, cultural and social complexities in which this perspective is grounded.

10. Sound Financial Management

- Charges do not exceed the cost of services provided and do not reduce demand excessively, particularly in the case of important public services.

- Prudence is observed in financial management, including in the contracting and use of loans, in the estimation of resources, revenues and reserves, and in the use of exceptional revenue.

- Annual budget plans are prepared, with consultation of the public.

- Risks are properly estimated and managed, including by the publication of consolidated accounts and, in the case of public-private partnerships, by sharing the risks realistically.

- The local authority takes part in arrangements for inter-municipal solidarity, fair sharing of burdens and benefits and reduction of risks (equalisation systems, inter-municipal co-operation, mutualisation of risks…).

11. Human rights, Cultural Diversity and Social Cohesion

- Within the local authority's sphere of influence, human rights are respected, protected and implemented, and discrimination on any grounds is combated.

- Cultural diversity is treated as an asset, and continuous efforts are made to ensure that all have a stake in the local community, identify with it and do not feel excluded.

- Social cohesion and the integration of disadvantaged areas are promoted.

- Access to essential services is preserved, in particular for the most disadvantaged sections of the population.

12. Accountability

- All decision-makers, collective and individual, take responsibility for their decisions.

- Decisions are reported on, explained and can be sanctioned.

- There are effective remedies against maladministration and against actions of local authorities which infringe civil rights." [5-1]

5.2.1. Why is the 4th Principle "Openness and Transparency" so important?

One of the basic principles of good governance is transparency. This means that the public should have a deep insight into the work of the public administration. Citizens should be able to scrutinise the work of the public administration and monitor it by providing tools to monitor the decision-making process. Furthermore, citizens should be familiarised with the rules that are applied in the exercise of their rights.

Transparency is important for the reform of public administrations. The goal is to fight corruption as well as to strengthen citizen participation. This is not possible without a sufficient level of information, which can only be obtained through transparent work.

Transparency and accessibility can become relevant in public administration in two ways. One is proactive transparency, which aims to make information public before the public calls for it actively. It takes the approach that all information of an administrative body that could be of importance to the public should be accessible. This theory holds the belief that there is a general right to publish relevant information [5-3].

The principle of openness and transparency makes government decisions easier to understand. As a result, conformity with the law can be maintained and proven before the citizens. Untransparent decisions are a thing of the past when this principle is observed. This deprives critics as well as opponents of the government of the basis for fake news and hate speech. With public access to all government information, every citizen has the same access rights and no one needs to feel excluded or disadvantaged. Of course, some data still needs special protection, for example when it comes to personal data. In our opinion, data protection should not be neglected even in the approach of openness and transparency. Concrete strategies should be developed on how data protection and transparency can go hand in hand.

It is particularly important to make the information easily accessible to everyone, bearing in mind that language barriers may exist for various reasons. As a result, the information must be provided in such a way that it can basically be read by everyone. Likewise, the data on the website should be easy to find to avoid long complicated searches, including falls also the announcement of the portal among the citizenry to increase the popularity and discoverability. In some cases, a notice on the homepage referring to the corresponding access or a notice in the town hall advertising the information available online is sufficient. Likewise, the data must also be made available to citizens without Internet access, but in this case, it is sufficient to provide the possibility of viewing the information in the town hall. All in all, it is important to make citizens feel that decisions have been made following all applicable regulations, and that data are provided in a nature that they can be easily understood.

5.3. Transparency

Congress recognized the importance of transparency by issuing Resolution 435 (2018) and Recommendation 424 (2018) together with an Explanatory Memorandum on 7 November 2018 [5-15].

In the political sense, transparency means making decisions known to the population and informing the population about political activities. The basic goal is to make important information public for everyone, to make the flow of money from public authorities and politicians verifiable (prevention of corruption). It also regulates activities that active politicians are prohibited from engaging in.[268]

5.3.1. Definition

At present, there is no generally valid definition of transparency. What is certain, however, is that transparency is a multi-layered concept that must be mentioned in the same breath as accountability, corruption, impartiality and the rule of law. In the narrower definition, transparency can be defined as the release of information relevant to the evaluation of various pieces of information.

Vishwanath and Kaufmann in 1999 define transparency as the increased flow of timely and reliable, economic, political and social information that is accessible to all relevant stakeholders. Thus, they emphasize not only the availability of information but also its reliability and accessibility to potential stakeholders.

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[268] https://www.politik-lexikon.at/transparenz-transparenzgesetz/ (last accessed 25.01.2022).

Most literary definitions and statements on transparency today deal with the fight against corruption. However, accountability should also be addressed and improved governance should not be neglected. A key element is that the focus is not only on the provision of information but also on the ability of external actors to have access to it.

Thus, transparency can be defined as the availability and ability for internal as well as external actors to access and disseminate information. Stakeholders must be able to access information relevant to the evaluation of the institutions. This must happen concerning rules, procedures and results. The most widely used measures of transparency are the World Bank Governance Indicator or the TI Corruption Indicator. However, there is no universally valid measure (cf. [5-4], p. 5.).

5.3.2. The Six Faces of Transparency

Type A: Will formation

Type A transparency is intended to ensure in a society that citizens actively participate in the formation of public opinion. The concept of citizen participation, which has become increasingly important in modern times, falls under this type of transparency. To strengthen citizen participation, everyone must be able to have access to relevant information. Due to the broad scope, all relevant information held by public authorities falls under the obligation.

This lends itself to passive access for implementation, as it is the applicant who decides which information is to be released. Exceptions are determined by the possible violation of personal rights or if the refusal of an application has no or only limited effects on the formation of public opinion. Nevertheless, the formation of public opinion must not be impeded by the authority, as otherwise, the purpose of Type A transparency would have failed.

However, the exceptions must be accompanied by a reasonable justification even if they are rejected, otherwise, a false image could be achieved with the applicant.

Type B: Public participation and accountability

The purpose of Type B transparency is to ensure that the government and public authorities represent the public interest and implement the decisions taken through the public will. This can be achieved by allowing citizens to see and understand what the administration is doing. Here, too, the addressee of transparency must be the citizens directly. In contrast to Type A transparency, the scope here is limited and refers only to the actions of public authorities.

Under this point, only the information that directly concerns the actions of the authority is published; all other information does not fall under this type. The exceptions include information that, if published, could impede or restrict the actions of the public authority. In EU law, however, there is generally no presumption of a restriction on administrative action unless the public authority can put forward reasonable counter-arguments. For information to be used effectively, it should be disseminated to the public as early as possible. This kind of participation can make a positive contribution to democracy, but in certain cases, it can also have a paralysing effect on the decision-making process and the public interest. In principle, citizens should always understand what the authority has done. Even arguments against citizen participation are not in contradiction with the publication of information afterward and should never exclude it.

The accountability of public authorities can be exercised proactively, as this information is necessary for the performance assessment of the authority. The information should be presented in a simple and understandable manner for citizens to make good use of it.

Type C: Efficient decision-making

Type C transparency is intended to ensure that the quality of decisions and the associated improvement in the overall efficiency of the EU internal market increases. With this type of transparency, information is not made available to the general public, but only to economic actors who can use it to optimise their decisions.

By making it difficult to identify which information might be of interest to which economic operator, the opportunity should be taken to make the information publicly available to all operators. The scope of Type C transparency applies only to information that could potentially influence economic actors' decisions and affect the functioning of the market. The information can be either market regulator or market participant.

The time of provision must be such that it is still possible to act on it, i.e. it must take place before the measure is taken. An interpretation of the information must be easy for market participants to interpret and must be unambiguous. For the reason that the market participants do not know when information is generated, the authorities must approach the participants proactively. After notification, however, participants may be free to request further information or not.

Exceptions are difficult to justify because of the principle of equal treatment and the right to free movement. In EU law, these have a high priority and should not be lightly circumvented. It is questionable, however, whether transparency helps to improve efficiency. The EU institutions are often in a poor position to judge and are therefore often reluctant to impose strict obligations.

Type D: Compliance with economic law

Type D transparency is necessary for ensuring that public authorities comply with EU single market rules. It is possible to review the actions of public authorities and hold them accountable.

However, not all economic operators have been granted the right to transparency for valid reasons. The main interest of these is not compliant with EU law, but only their interests. While this is understandable, EU law provides the rule only for public authorities to comply with the applicable rules.

In public procurement law, however, transparency is not beneficial to the authorities, as economic actors can manipulate decisions here to their advantage, thus preventing fair competition.

In case of refusal of transparency by public authorities, the effects are limited. It is possible to give a commission the task of monitoring the behavior of member states.

Type E: Respecting the intrinsic worth of homo dignus

Type E transparency aims to facilitate autonomous decision-making. Transparency here is only required towards people whose rights it affects in terms of human dignity.

The information concerned is that which people need to make autonomous decisions in their private and family lives or to secure their human rights. Included is all information that governments possess, regardless of whether the authority needs the information for its work or only stores it. It is assumed that each person knows best when they need this information in their life, so it should be given out upon request.

An exception to the duty of providing information on request is difficult to justify because denying transparency means violating the rights of the individual.

Type F: Ensuring respect for homo dignus

Type F transparency ensures that public authorities respect people's dignity rights. One has the right to see what authorities do and hold them accountable for their actions. The right is to help people whose rights are affected by decisions made by authorities.

It is to be made transparent why a decision is made or why a procedure is initiated. Everyone who is affected has the right to participate in the procedure or to challenge it.

The quality of the information received should be such that it can be seen whether the authority respects the rights. In addition, the information should be given out as early as possible, so that the person concerned can influence the outcome of the procedure. With this form of transparency, the authority must act proactively, since this is the only way the person will learn about it.

A denial of this transparency endangers the substantive law and EU law on the transparency obligation the authorities have towards the data subjects, likewise it is a violation of the right to human dignity. It denies the data subject to fight for his due right. Delayed transparency is usually less harmful than a complete lack of transparency.

An early release of the information is better for the data subject than a delayed one since a delayed release could severely violate his or her rights. [5-5]

5.3.3. Benefits of Transparency[269]

• Build trust within your community

Citizens' trust in public authorities can be strengthened by making more information publicly available. A Gallup survey shows that local governments score significantly higher on trust than federal or state governments.

• Gain new ideas

Through an online forum, you can get citizens to participate with their ideas in the community. The advantages of an online forum are that all citizens can access data at any time and no one is excluded due to physical limitations.

• Increase community engagement

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[269] https://icma.org/articles/article/top-10-benefits-transparency (last accessed 02.02.2022).

By using internal and external communication, you can build an engaged community. Internal communication is the exchange of information within an organization, external communication occurs when the organization communicates with external parties e.g. citizens.

• Understand your community's needs better

Measure effectiveness and your performance to better understand the needs of your citizens and your community.

• Empower citizens

Transparency in administrations increases the trust of the citizens and if the trust is high enough, the citizens feel responsible and it also leads to citizens identifying more with their administrations.

• Showcase reform

By highlighting growth and change, they can show citizens what has been done and where there is room for improvement. Through analysis and research, these can be clearly shown to citizens.

• Attract citizens to your government

The use of social media and geo-information systems can tremendously increase operational efficiency and also improve clarity for citizens. Again, transparency of map data and accessibility of information through social media is a good way to improve circumstances.

• Boost your economy

Transparency can be a good way to give a boost to the economy, which can be very important, especially in difficult times. Commissioning designs and advertising campaigns can create jobs for these industries. Information release portals also need to be created and designed by companies if this cannot be done in-house. A well-designed information system can create a trustworthy impression with the citizen.

• Foster a local government with professionalism

By promoting municipalities and cities, transparency can be expanded throughout the country. Through the resulting process of better information gathering for companies and potential new citizens, the economic power of municipalities can be strengthened. This is an effective and, above all, inexpensive means of bringing them into the municipality or city.

• Educate your citizens

Social media can be an important factor for a municipality's internet presence nowadays. Especially for the younger generation, who spend a lot of time on Facebook, Twitter and other portals, these platforms are a low-threshold way to reach them. In addition to the homepage, this kind of internet presence represents the future for simple information dissemination.

Reactive transparency, in contrast to proactive transparency, takes the approach of publishing knowledge only at the request of the public. Reactive transparency in this context means Freedom of Information like enshrined in many FoI legislative acts. The likely most renowned is the Freedom of

Information Act, 5 USC §552 et seq. (1966).[270] Note that the US Department of Justice operates the Office of Information Policy and publishes annual reports on FoI [5-60].

For us, transparency means that the processes in public administration and politics can be monitored by the public, at least on an aggregated level. Many people in today's world are surprised when procurement contracts are awarded, large-scale projects are prepared or even when a simple construction site is established in the neighbourhood. One recent example is the procurement of protective masks in the Corona pandemic in Germany, where the whole process was very non-transparent and far too many masks were ordered at very high prices and with corruption charges included. Such incidents diminish the belief in transparent and trustworthy administrative processes; after all, the entire expenditure is taxpayers' money. Particularly important for transparency is the trust of citizens in the date made transparent; without this, transparency cannot exist, since trust and transparency are directly linked. Once this trust is lost, it is difficult to regain.

In our view, there are six types of transparency, all of which have their justification, even if they are defined very differently in some cases. In the end, they provide an overall picture of transparency that covers all facets.

In today's world, transparency is one of the most important prerequisites for the functioning of a regulated democracy in which citizens have sufficient trust in the government. Every society should make more efforts to give transparency a high priority.

5.4. Open Government

5.4.1. A first short definition of Open Government

Different actors and policymakers can mean different things by open government and administrative action, which is influenced by political, social and cultural factors. Even though open government may be defined differently in different countries, the evidence suggests that government is open when it follows the principles of open government is open when it complies with the principles of transparency, accountability and participation. For the successful implementation of open government initiatives, it is important to have a consistent definition that is fully recognised and supported by the entire public sector and that is convincingly communicated to and supported by all stakeholders. Communicated convincingly to and accepted by all stakeholders.

Open government describes participatory, accountable and transparent government. The concept can be applied to any government size, locality, regionality and nationality are not important. Many regional authorities have already implemented reforms to open the government, not only to increase transparency to citizens but also to improve efficiency. The work of administrations should be traceable, which means that citizens should be able to follow what their government is discussing and producing at any time and from anywhere. Public authorities should also facilitate access to information and make it available through open data systems, as well as introduce procedures for the management of records. Open government also requires citizen participation that encompasses both government work and work in the civic space. To encourage and enable participation, care must be taken to prevent undue restrictions or potential repercussions of such activities. However, the information itself is also in need of protection. Accountability is the third pillar of open government, along with transparency and participation. Citizens should be able to hold their government

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[270] Available at https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/amended-foia-redlined.pdf (last accessed 10.11. 2021).

accountable for actions and results achieved. Accountability, in general, can be promoted, for example, through audits and scrutiny by civil society and the media.

The three pillars of Open Government (transparency, participation and accountability) can and should be applied to the 5 main functions of local government: Budgeting, contracting, lawmaking, policy-making and service delivery [5-7].

These three pillars are also referenced in the Explanatory Memorandum on Transparency and Open Government [5-15, p. 25].

5.4.2. Benefits of Open Government

• Increases transparency and accountability

The trend towards open data means that members of the public can stay connected, informed, and up to date with the day-to-day operations of their local government. The public nature of this information holds governments accountable to the results they produce. Residents can see exactly what their government has achieved, and how much more needs to be done. Failure to attain certain results or meet a particular milestone or goal will be publicized and up for public scrutiny. Conversely, achieving or exceeding goals will help to establish a greater and more trusting relationship with residents.

• Develops trust, credibility and reputation

The transparent nature of publicly accessible data exposes a side of an organization that is quite often kept under wraps. This sort of openness and vulnerability is comparable to sharing aspects of your personal life with another person. There is a considerable amount of trust and respect that comes with an open and honest conversation, and the result is quite often a closer and more dependent relationship between the two parties. In the same way, open government data helps to establish trust and credibility with citizens. Open data can give residents peace of mind that their local government is continually working to deliver on promises and making decisions in the community's best interests.

• Promotes progress and innovation

The value of key performance data has few bounds when set loose in the public sphere. Open data provides new opportunities for commercial applications, improves time-to-market for businesses, and can form the foundation for new technological innovation and economic growth. Third parties without the resources to gather this data for themselves will be able to re-purpose it and utilize the information to develop new applications and services. Information provided in this way is also significant for academic, public-sector, and industry-based research communities. Open data vastly increases the value of information and allows it to travel and be utilized to its full potential.

• Encourages public education and community engagement

What better way to educate the community on the progress and performance of the city than to have all the information displayed in a clear and user-friendly display? Open government data enables you to proactively answer those frequently asked questions by making the information freely accessible. Information can be made available as quickly as it is gathered, which means that the public can become involved and offer valuable feedback from throughout the entire process. Access to meaningful data aids in unifying a community and empowering them to help shape the direction for the future.

• Stores and preserves information over time

Finally, the availability of consolidated information in a single and easily accessible location is advantageous for the use of both current information and for historical data that has been gathered over time. This method of data storage ensures that all information will appear where and how it is supposed to, and that it will remain in that location for future reference. This also allows for the potential to observe trends and changes in the data over time.

Openness and transparency are two characteristics we greatly value at Envisio. Consequently, we have developed the Envisio Public Dashboard, enabling our customers a convenient way to share their strategic plan progress and performance measurement results with the public, harnessing all the benefits of open data in a single, easy-to-use platform.[271]

Today, Open Government is at least formally included in many governments' policies, but governments cannot rest on their status quo achieved but must continue to strive to improve in this regard. Especially in countries, where Open Government has not yet been widely adopted, a start should be made to give it a higher priority. Open Government having different meanings in different countries, complicates the uniform implementation of the principle. Nevertheless, the basic pillars of the Open Government movement should be adhered to in all countries. The variable applicability in terms of size, locality, regionality as well as nationality means that reform can be initiated without major adjustments.

Open Government is not a project of the central government, but can also find its way into local and regional authorities. In this way, citizen-oriented implementation can be guaranteed and credibility gained, even from the lowest level.

The three-pillar model of transparency, participation and accountability should be applied at all levels to the five main functions of government. In this way, citizens' trust in the administration can be improved.

The numerous benefits of Open Government for administrations are unmistakable. The most important benefits are the increase in transparency and accountability as well as the increase in trust and credibility, closely followed by progress and innovation. An administration that aspires to be among the best cannot do without these benefits of Open Government if it wants to offer its citizens the best possible service.

5.5. Open Data

5.5.1. Definition

Open data is the publication of data and information in a format that may be freely used, modified and shared. The OECD states that open data is *"a set of policies that promote transparency, accountability and value creation by making government data available to all"*. By making data generated through the activities of public bodies available, government becomes more transparent and accountable to citizens. It also supports business growth and the development of services centred on citizens, and provides important data for research and innovation by public bodies, the private sector, and civic stakeholders [5-8].

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[271] https://envisio.com/blog/5-benefits-of-open-government-data/ (last accessed 02.02.2022).

Congress recognized the importance of Open Data by issuing Resolution 417 (2017) and Recommendation 398 (2017) together with an Explanatory Memorandum on 28 February 2017 [5-16].

5.5.2. Benefits of Open Data

Performance can be improved through Open Data and contributes to improving the efficiency of public services: Thanks to the provision of data across sectors, better efficiency can be achieved in procedures and the delivery of public services, for example by providing an overview of unnecessary spending.

Social security can be improved, as the society can benefit from the information that is more transparent and accessible. Open data improves collaboration, participation and social innovation.

Transparency can be increased: Open data increases transparency on the part of the Public Administration towards citizens, but also towards other administrations. Transparent government behaviour is a foundation for trust and collaboration.

Stores and preserves information over time: Finally, the availability of consolidated information in a single and easily accessible location is advantageous for the use of both current information and for historical data that has been gathered over time. This method of data storage ensures that all information will appear where and how it is supposed to, and that it will remain in that location for future reference. This also allows for the potential to observe trends and changes in the data over time.[272]

Open data is publicly available data from authorities and other institutions that can be freely used by everyone, access to it should neither be prohibited nor prevented, even if it could lead to opposing opinions. Everyone must have the right to form his or her own opinion and to represent it. The right to use this data to form opinions is unrestricted and transcends national boundaries. Especially in the context of freedom of the press, open data plays an important role, as it is made accessible by the press to the less interested citizens. But also each individual must have access to the data without any intermediary institution.

Open data is equally important for both the private and the public sectors, as both can benefit from this data. Be it in the area of research or the further development of processes, in all areas this data can be used purposefully.

The public sector can further use the data to improve the performance of its administration; specifically, the data can be used to increase the efficiency of processes and services. In addition, things like social security, increasing transparency and pinpointing redundant spending can be improved. However, the information is also needed for historical archiving purposes. This data must be prepared in a way that is understandable to everyone and must also be easily accessible. In this way, the broad mass can be reached through Open Data.

5.6. Issues with Open Data/Open Government/Transparency

Data protection problems are among the most common risks associated with increasing transparency. To enable more transparency, legislators should adapt the laws accordingly. The aim should be to do equal justice to both sides. Under no circumstances should personal data become the victim of increased transparency.

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[272] https://envisio.com/blog/5-benefits-of-open-government-data/ (last accessed 02.02.2022).

However, data from public authorities and agencies should be disclosed as far as possible, and concrete guidelines should be defined for this purpose. These should regulate which data must be published and which should be kept under lock and key. These must be understandable and comprehensible to citizens. Citizens must also have the opportunity to check compliance with the guidelines. If this is not ensured, a feeling of false transparency and misuse or misappropriation can arise in the citizen.

This should not occur under any circumstances, as lost trust is difficult to regain.

When publishing data, good clarity and comprehensibility must be ensured, otherwise citizens will not be able to make use of this data. [5-14]

5.7. The distinction between Open Government and Open Data

For some years now, the terms Open Government and Open Data have gained considerable importance. However, many do not know in what the two terms differ. In the following, we will discuss these differences. Open Government is intended to promote the revitalization of democracy through the disclosure of government and administrative data. This can lead to new forms of cooperation by government, politics and administration with citizens and civil societies. Open Government should lead to citizen-oriented administrative action, better legitimized political decisions and improved cooperation between the state and society.

In contrast to this is Open Data, which is a part of Open Government. In practice, Open Data is aimed at transparency, free access and the dissemination and use of official data. This includes, among other things, budget data, maps or other documents of the authorities.

Open Data follows the approach of making data of all kinds publicly accessible without restrictions, structured and machine-readable.

The big difference is that Open Data does not only refer to the public administration but also includes other data, which can come from private companies or non-governmental organizations [5-10].

A term often mentioned in the context is Open Government Data, which is used for administrative and governmental institutions.

To get a better understanding of Open Government Data, the three components should be considered separately. The basics are the terms "open", "government" and "data". As shown in the diagram, this results in three overlapping terms: government data, open data and open government.
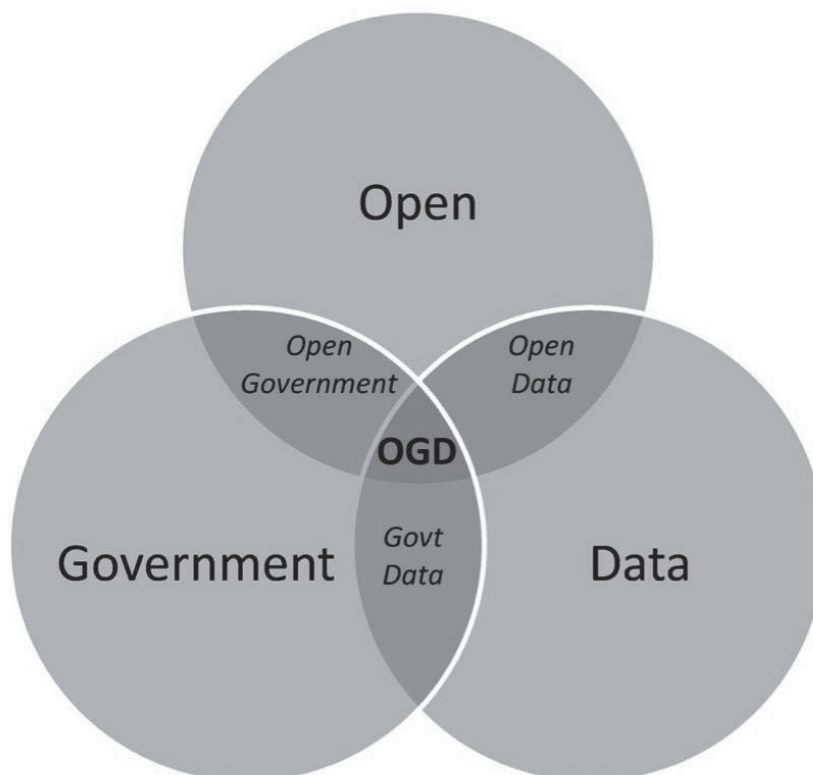
Figure 51: Open, Government, Data[273]

Government data refers to data sets held by the state as the largest collector of information. This includes, for example, information about citizens, organizations and public services. One concern of the state is to manage the information for the public sector in the best possible way.

Open data has its origins in information and communications technology and is intended to ensure that data is more easily accessible to citizens. The main aim here is to expand accessibility and accessibility to information.

Open government is intended to make government decisions and their measures more transparent and easier for citizens to understand. These measures are intended to find ways of empowering citizens and civil society organizations by opening up the administration.

The term Open Government Data is composed of these three approaches. In the general literature, Open Government Data is divided into four different perspectives.

First is the bureaucratic perspective, which is closely related to government data. In this one, OGD is understood as a government policy to support public services for improved handling of government data. Improved handling refers to internal government changes made by officials and staff. This refers to regulations, policies, and processes aimed at making government data handling more efficient and effective. Further, the opening of government data is used to help reduce costs and improve process quality.

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[273] https://www.researchgate.net/publication/337398045/figure/fig1/AS:963465296502789@1606719435768/Open-government-data-foundations-Yu-and-Robinson-2011.png (last accessed 14.01.2022).

The second is the technological perspective, which is strongly associated with the idea of open data. This perspective considers OGD as a technological innovation made by changes in technical staff of information technology. Here, the design of formats, processes, and standards used to process public data is made. These changes are aimed at improving the data infrastructure within the administration. In this, the data must have a basic quality, which includes distributive aspects such as free availability, reusability or operability. This should enable easy availability for all actors.

The political perspective is linked to the ideas of open administration, where OGD is understood as a fundamental right for all citizens. This is intended to guarantee access to public sector data. Through the more open use of data, better governance should be possible. The data should help to increase transparency and enable greater participation by citizens in public sector decisions. This refers, for example, to policymaking and reducing imbalances between government and citizens.

The economic perspective has itself evolved from OGD; it is used to promote economic growth. By using freely available public sector data, businesses can act and react better. Likewise, it is intended to promote the creation of new products and services and to create new jobs. In this way, profits can be increased and investments improved. [5-11]

5.8. Transparency as a suitable way to avoid or reduce Fake News

The goal of full transparency requires the general belief that democracy is the rule of the people, and that representatives elected by the people exercise decision-making only temporarily, but are accountable to the citizens. In this sense, transparency requires public authorities not to put citizens on an equal footing with decision-makers, but to make information available at the same time as the rest of the administration [5-3].

This means, in our context, that a policy of Open Government proactively must provide data before it is explicitly requested and, if requested, deal with these requests in an adequate manner.

Our underlying assumption is, that hate speech and fake news can be more often perceived in an environment where there is no or little trust in government and authorities. This trust should be built and strengthened by the authorities through an Open Government Data strategy. This is how we believe the frequency can be reduced. This trust should be built and strengthened by the authorities through an Open Government Data strategy. This is how we believe the frequency can be reduced.

This assumption seems not to be explicitly proven in literature, but the following studies/publications provide hints in this direction:

Trust in governments is described by many studies as the cornerstone of democratic stability. Distrust in government action slows down progress and the functioning of a state. Statistically, trust in governments has declined in recent years. Understandably, there is now a desperate search for a way to reverse this trend and restore faith in governments. It is widely believed that transparent governance can greatly improve the credibility of government action. The disclosure of internal work processes and information should help to make government performance measurable and more comprehensible [5-18].

In the following part of the text, we have listed some existing studies on the topic of transparency and its effects, which we think provide helpful input. We are fully aware that this is no full proof of our assumptions – rather single observations, which point into this direction.

5.8.1. Questionnaire Buenos Aires

Buenos Aires is the capital of Argentina with almost 3 million inhabitants. Although the city has existed since the 16th century, citizens have only been able to elect a head of government since 1996, as he or she was previously appointed directly by the president. The administrative division of the city into 48 districts and 15 municipalities has greatly increased the decentralization of administration and citizen participation. Within this process, attempts have also been made to improve the transparency of government action. The mayor made a number of promises to the people when he took office to improve transparency. These are measurable targets based on the United Nations Development Goals. The city has received several awards for this commitment. Today, all of the more than 50 goals can be viewed and tracked transparently on the municipality's website.

Realization:

The Buenos Aires experiment was conducted by providing participants with equal probability information on a series of commitments promised by the mayor of the city of Buenos Aires when he took office. These were then followed up by making the results on these publicly available on the city's website.

The next step was to randomly assign a project that either highlighted a government promise of efficiency and good governance or contained a profound message with a government promise to improve the lives of residents. In this context, participants were provided with information that demonstrated either the fulfilment or non-fulfilment of the commitments.

A multidimensional approach was used to assess trust perceptions, encompassing all components of trust. These include competence, benevolence and honesty.

The interesting result for our project was that providing the information increased the perception of government transparency by about eight percentage points.

Further, it became clear that differences in performance can play a major role in trust in government. The group that received information about the government exceeding its targets subsequently showed significantly higher trust than the group that received information about the government not meeting its targets.

These findings underline the importance of providing transparent information to citizens. Furthermore, the results show that the way the message is expressed does not play an overriding role. Rather, the content of the message is relevant, especially whether the government delivers on its promises and goals.

Every government should draw the lesson from this study to do even more to achieve its goals, because the citizens honor this with higher trust. The example of a study illustrates this very well. If the government only publishes the results that are positive for it, the credibility of the good performance decreases. If the deception is exposed, the credibility in the government diminishes extremely and the credibility in other studies also diminishes. [5-19]

5.8.2. Threats of violence and harassment against politicians

For several years, there has been an increase in attacks and assaults on members of parliament and politicians at local, national and international levels. Most recently, a British Conservative MP was stabbed to death in his constituency. What makes this case even more frightening is that this did not happen without predictability, as there have been several other cases of this or similar nature in recent years.

However, such incidents are becoming more frequent and threats of murder and violence are unfortunately becoming almost daily affairs for many politicians.

Due to the Brexit and the COVID-19 pandemic, the existential fears of the British population are increasing and thus also anger and blame. An audit by the Hansard Society concluded that "opinions about the system of government have reached their lowest point in the 15-year audit series - worse than after the MPs' expenses scandal".

In the 2017 UK general election, 56% of parliamentary candidates surveyed said they were concerned about the level of intimidation they had experienced, with 31% saying they felt anxious during the campaign. Especially on the Internet, with the help of anonymous social media accounts, there are regular threats of all kinds of violence.

A study currently underway on trust and governance in five democracies around the world dramatically illustrates the result of the 2017 British general election. Nearly 40% of respondents could name at least one instance of abuse or threat of violence [5-13].

5.8.3. Corona vaccination in Portugal

The rate of fully vaccinated population in Portugal is 87.78% (as of 19 November 2021), making it the absolute leader in Europe, while globally only the United Arab Emirates and Singapore have a slightly higher vaccination rate. Far behind Portugal at the European level are Spain (about 79%) and Denmark (about 76%). France and Germany are even further behind at around 69% and 67% respectively.

It is questionable why Portugal performs so much better than the rest of the European countries because it is doubtful that the much higher vaccination rate is just a coincidence.

In the early summer of 2021, Portugal and Germany were still tied in vaccination rates, but vaccination fatigue has not set in in Portugal after initial successes. On the one hand, one could say that the Portuguese will to be vaccinated is due to the high infection and death wave at the beginning of the year. The Corona situation was completely out of control, the German army came to the rescue, and in one week at the end of January, 2 000 people succumbed to the virus.

The Portuguese vaccination coordinator Henrique de Gouveia e Melo explains that all Portuguese are pulling together after this traumatic experience. The vaccination process was also discussed very actively and openly. Transparency was at the forefront here, so that scandals, such as those that occurred with the procurement of masks in Germany, do not occur. Without such serious confidence-reducing actions by politicians, the Portuguese people's trust in the vaccination campaign was not endangered. So, there was no reason to doubt the vaccinations. The government made citizens aware from the beginning that although the vaccination had side effects, these were far milder compared to a severe course.

No small vaccination centers were set up, but large sports facilities were used, and every citizen was personally asked to be vaccinated at least three times, and those who did not respond were repeatedly contacted and reminded. E. Melo also claims to have made it clear to citizens that they were in a war

against the virus and that children needed to be protected from it. The Portuguese also rely heavily on their health system, introduced in 1970, and vaccination rates for measles, rubella and mumps are higher in Portugal than in almost all other EU countries. [5-14]

5.9. Conclusion

The possible remedies outlined here, in brief, are not validated yet, hence rather input for research projects and verification. The authors consider it likely that more Openness, both in terms of Government, Data and overall transparency could decrease the level of hate speech and fake news or at least significantly lower the portion of the electorate falling for that.

The survey we undertook and which is analyzed in detail in Chapter 6, supported our views and assumptions on the effectiveness of Open Data, Open Government and Transparency. Question 7.2 "Which political measures of your institution do you consider a viable option against fake news and hate speech?" showed that nearly 81 percent considered the approach of Open Data and more transparency in political decisions to be the most sensible means as a measure against fake news and hate speech. This was closely followed by a better explanation of decisions (approx. 75 % of votes), which is inextricably linked to Open Government Data, as it calls for data to be published in such a way that it can be understood by everyone.

That citizens should be involved in decision-making was supported by approx. 63 % of the votes) whilst more offline contacts should be maintained with citizens were supported by approx. 60 % of the votes.

These answers indicate, that Open Government and Open Data together with more transparency could be a feasible remedy – which of course must be analyzed and, if possible, verified by further research.

The authors are quite convinced that, as it was shown above, legal and technical remedies will be rather a placebo than a real remedy, because they can neither become universally enforced nor implemented without significant harm to the whole internet.

We are well aware that this situation is not satisfying for those people, especially local and regional politicians, who are confronted with hate speech and fake news daily. We call for the governments and civil societies of Europe to enable further research and political discussions on these topics.

If we succeed in increasing trust in government and authorities, this could, in our thinking, lead to a reduction of hate speech and fake news produced from within the society – let aside hostile attacks from third parties like other countries.

References Chapter 5

[5-1]   Council of Europe, 12 Principles of Good Governance. Available at https://www.coe.int/en/web/good-governance/12-principles (last accessed 25.01.2022)

[5-2]   Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung: Rahmenbedingung für Entwicklung – Good Governance. Available at https://www.bmz.de/de/entwicklungspolitik/good-governance (last accessed 25.01.2022)

[5-3]   Belgrad Open School: Transparency as a Principle of Good Governance. Available at https://bos.rs/du-eng/transparency/931/2017/06/29/transparency-as-a-principle-of-good-governance.html (last accessed 25.01.2022)

[5-4]   Monika Bauhr, Marcia Grimes: What is Government Transparency? In: Working Paper Series 2012:16, QOG, Department of Political Science, University of Gothenburg. Available at https://www.gu.se/sites/default/files/2020-05/2012_16_Bauhr_Grimes.pdf (last accessed 25.01.2022)

[5-5]   Buijze, A., 2013. The Six Faces of Transparency. Utrecht Law Review, 9(3), pp.3–25. DOI: http://doi.org/10.18352/ulr.233 (last accessed 27.01.2022)

[5-6]   U.S. Department of Justice, Annual FOIA Report 2020, Available at https://www.justice.gov/oip/department-justice-annual-foia-report-fy20 (last accessed 02.01.2022)

[5-7]   Council of Europe, 35th Session; Transparency and open government. Available at https://rm.coe.int/transparency-and-open-government-governance-committee-rapporteur-andre/16808eca29 (last accessed 27.01.2022)

[5-8]   DATA.EUROPA.EU, The benefits and value of open data. Available at https://data.europa.eu/en/highlights/benefits-and-value-open-data (last accessed 02 February 2022)

[5-9]   Johann Höchtl, Martin Kaltenböck, Peter Parycek, Judith Schossböck, Thomas Thurner: Open Government Data: Potentiale, Risiken und Hürden. In: Proceedings of 41. Jahrestagung der Gesellschaft für Informatik, 4.-7.10.2011, Berlin. Available at https://www.user.tu-berlin.de/komm/CD/paper/061121.pdf (last accessed 27.01.2022)

[5-10]   Emmie Tran, Ginny Scholtes: Open Data Literature Review. Available at: https://www.law.berkeley.edu/wp-content/uploads/2015/04/Final_OpenDataLitReview_2015-04-14_1.11.pdf (last accessed 27.01.2022)

[5-11]   Mila Gascó-Hernández, Erika G. Martin, Luigi Reggi, Sunyoung Pyo, Luis F. Luna-Reyes: Promoting the use of open government data: Cases of training and engagement. In: Government Information Quarterly Volume 35, Issue 2, pp.16-19. April 2018, Elsevier. Available at https://www.sciencedirect.com/science/article/abs/pii/S0740624X17302824?via%3Dihub (last accessed 27.012022)

[5-12]   Martin Alessandro, Bruno Cardinale Lagomarsino, Carlos Scartascini, Jorge Streb, Jerónimo Torrealday: Transparency and Trust in Government. Evidence from a Survey Experiment. In: World Development Vol. 138 February 2021, Elsevier. Available at

https://www.sciencedirect.com/science/article/pii/S0305750X20303508 (last accessed 27.01.2022)

[5-13]   James Weinberg: David Amess killing: threats of violence and harassment have become commonplace for politicians. In: THE CONVERSATION. Available at https://theconversation.com/david-amess-killing-threats-of-violence-and-harassment-have-become-commonplace-for-politicians-170078 (last accessed 29.01.2022)

[5-14]   Lea Schulze: Darum hat Portugal ohne Zwang alle im Impftempo überholt. In: DER TAGESSPIEGEL. Available at https://www.tagesspiegel.de/politik/an-die-weltspitze-geimpft-darum-hat-portugal-ohne-zwang-alle-im-impftempo-ueberholt/27695424.html (last accessed 29.01.2022).

[5-15]   Congress of Local and Regional Authorities, 35th Session, Report CG35(2018)14final, 7 November 2018, Available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016808d341c (last accessed 22.02.2022)

[5-16]   Congress of Local and Regional Authorities, 32nd Session, Report CG32(2017)15final, 28 February November 2017, Available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806fbdbc (last accessed 22.02.2022)