

# Independent Reporting Mechanism

Results Report:  
Ireland 2021–2023

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Executive Summary

*Ireland’s third action plan renewed Ireland’s engagement in OGP. The action plan established legislation to improve the enforcement of “cooling-off period” for public officials switching to the private sector. Most of the other commitments were implemented as planned, but did not lead to policy reforms during the action plan period. Although the action plan saw the formation of a new OGP multi-stakeholder forum, momentum for government and civil society collaboration slowed down during the implementation period.*

### Early Results

Only one of the action plan’s five commitments produced early results in opening government. Commitment 3 made moderate improvements to lobbying transparency by passing an amendment to the Regulation of Lobbying Act. The amendment includes provisions to improve the Lobbying Register and strengthen the enforcement of “cooling-off” period for public officials switching to the private sector. The IRM identified this commitment as having the potential to realise promising results at the design phase. Other commitments did not produce notable early results. While Commitment 4 had promising milestones, it did not establish a mechanism for government and civil society dialogue to directly influence government decision-making. Commitments that conducted reviews of the Statutory Framework for Ethics in Public Life (Commitment 1), freedom of information regime (Commitment 2), and structures for local authorities to collaborate with their communities (Commitment 5) were not designed to implement the reviews’ recommendations—and so did not lead to policy reforms during the action plan period.

### IMPLEMENTATION AT A GLANCE

#### LEVEL OF COMPLETION

**4/5**

Complete or substantially complete commitments

#### EARLY RESULTS

**1/5**

Commitments with early results

**0/5**

Commitments with significant early results

#### COMPLIANCE WITH MINIMUM REQUIREMENTS

Acting according to OGP process.

### Completion

The action plan had a high level of completion, with four of the five commitments fully or substantially completed during the August 2021 – August 2023 implementation period. Only Commitment 5 saw limited implementation, as the review of Strategic Planning Committees fell behind schedule. Overall, feasibility consideration in the design of commitments enabled strong implementation. Government agencies’ use of the commitments to support components of their ongoing work programmes provided a wider framework for the action plan’s completion. The OGP action plan was seen as a tool to reinforce the implementation of government priorities and, as such, ensured that the undertaking was prioritised and backed with responsibilities being assigned to specific departments. However, this also limited the added value of the OGP action plan to the government’s ongoing work.

### Participation and co-creation

Ireland met the OGP threshold for participation during co-creation and implementation phases, unlike the previous two action plan cycles which led to Ireland being found acting contrary to the OGP process. Co-creation took place over an expedited period and continued after the action plan was published, with two commitments on civic participation added to the action plan in July 2022 (Commitments 4 and 5). The Open Government Round Table, a new multi-stakeholder forum, was formed during the co-creation process and met regularly over the action plan period. It was co-chaired by the Department of Public Expenditure, NDP Delivery and Reform (OGP point of contact) and civil society, with members from six government departments and six civil society organisations. Civil society stakeholders reported lower participation during the implementation period, while participants began to miss meetings towards the end of the cycle. Slowing civil society momentum stemmed from a lack of clarity on the remit of the Round Table, financial and time constraints, and the unclear roles for civil society in commitment implementation. Civil society stakeholders also noted insufficient opportunities for involvement in decision-making. This highlights the need for a more collaborative and participatory approach.

### **Implementation in context**

This action plan renewed Ireland's engagement in OGP following a challenging process during the previous action plan cycles. The action plan aligned with priorities of the Programme for Government, which supported government investment in implementation. However, insufficient buy-in from key political stakeholders hindered the commitments' ambition and ability to produce early results. Lack of high-level political support led to delays in some cases, whereas administrative departments in charge of the commitments faced staffing and capacity constraints. This was also impacted by the ongoing Russia-Ukraine war. For instance, a government member of the Round Table who was responsible for housing had to shift their priorities towards providing services for Ukrainian refugees during the implementation period.

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## Section I: Key Observations

This section highlights three key observations on Ireland’s third action plan cycle. Together, these observations suggest that Ireland can take targeted steps to achieve more ambitious open government results.

**Observation 1: Beyond preliminary activities, concrete policy reforms are instrumental to successful open government results.** This action plan’s high level of implementation was not accompanied by strong early results in opening government, highlighting the need for greater ambition in commitments’ design. As feasibility was a key consideration during co-creation, government agencies designed commitments to undertake elements of their ongoing work programmes. This was seen to reinforce implementation of components of government priorities – OGP commitments ensured that the priority was backed by responsibilities assigned to specific departments. However, the commitments’ milestones primarily centred on preliminary activities, such as conducting reviews (Commitments 1, 2, and 5). For the most part, they did not build on these activities to implement the reviews’ recommendations and generate substantial policy reform—a gap in the commitment-to-action continuum. In future action plans, strong commitments which build on existing government priorities can translate recommendations into tangible policy changes and demonstrate clear added value from the OGP process, for instance by ensuring greater civic participation in implementation.

**Observation 2: High-level political engagement can strengthen the ambition of open government reforms.** This action plan took initial steps towards renewing government engagement with civil society on OGP. Indeed, reinvigoration of the open government process was included in the Programme for Government. However, ongoing open government efforts would benefit from more high-level political engagement. Although formation of the new Open Government Round Table fostered diverse perspectives during the co-creation process, government stakeholders were not able to fully reflect the ambition of civil society suggestions in the action plan’s final commitments. This underscored the need for greater political prioritisation of Ireland’s OGP process. Building from the Minister of State’s attendance of an Open Government Round Table meeting in 2021, more representation from high-level officials and politicians at some meetings could reaffirm commitment to the OGP process, serve as a reminder of the overarching objectives of political parties, and further align political systems with civil society goals. This can help Ireland’s open government process realise the potential of government and civil society collaboration.

**Observation 3: Participatory mechanisms to oversee commitment progress can improve implementation.** During implementation, government agencies reported on commitments’ progress at the Open Government Round Table meetings. While there was some discussion of the updates, the Round Table’s focus was often diverted to the design of the next action plan. According to civil society members, the process lacked a formal monitoring mechanism that granted oversight of implementation to the Round Table, which left them unsure of their designated role and how they could effectively contribute to monitoring commitment implementation.<sup>1</sup> Strengthening civil society’s role in monitoring progress can help ensure that commitments stay on track, support course correction, and ultimately strengthen open government results. In addition to formalising the Round Table’s mandate during implementation, some stakeholders have suggested exploring more in-person meetings and facilitating direct interaction between civil society and government commitment holders.<sup>2</sup>

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<sup>1</sup> Shana Cohen (Think Tank for Action on Social Change), interview by IRM, 6 December 2023.

<sup>2</sup> Philip McGrath (Department of Public Expenditure, NDP Delivery and Reform), interview by IRM, 2 February 2024; Kieran Moylan (Department of Rural and Community Development), interview by IRM, 26 January 2024; Antóin Ó Lachtnáin (Open Government Association Ireland), interview by IRM, 23 November 2023; Kathryn McCabe (The Change Agency), interview by IRM, 7 December 2023.

## Section II: Implementation and Early Results

The following section looks at the commitment the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments or clusters identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also considered commitments that were not determined as promising but that, as implemented, yielded significant results.

### **Commitment 3: Review of the operation of the Regulation of Lobbying Act 2015**

**Implementing Agency:** Department of Public Expenditure, NDP Delivery and Reform

#### **Context and objectives**

This commitment intended to amend the Regulation of Lobbying Act, passed in 2015 through Ireland's first action plan. The Act provides for an online register of lobbying to allow people to see who is communicating with designated public officials on specific policies, legislative matters, or prospective decisions. The Act requires individuals and organisations to disclose any lobbying activity on this public register.<sup>1</sup> This includes meetings with high-level public officials and efforts to influence policy through letters, emails, or tweets.<sup>2</sup> It also stipulates a 'cooling-off period,' during which public officials are restricted from lobbying for a year after they leave office.<sup>3</sup> There was no evidence of widespread compliance issues with the Act, but there were controversial cases of public officials moving to public relations firms or businesses,<sup>4</sup> and the wider public perceives lobbying as an area more susceptible to corruption.<sup>5</sup>

#### **Early Results: Moderate**

Implementation of the commitment was completed with the passing of an amendment to the Regulation of Lobbying Act that strengthens legal support for lobbying transparency. Key changes to lobbying practices are scheduled to take effect in 2024. Although Ireland's Regulation of Lobbying Act is already considered a gold standard of lobbying transparency law,<sup>6</sup> the amendment made moderate improvements.

The amendment enables stronger government accountability by improving the demarcation between business and public interests. Previously, there was a gap in the enforceability of the 12-month post-employment cooling-off period, as the Act did not denote failure to comply as a contravention. The amendment addresses this issue by including an anti-avoidance clause and enabling the Standards in Public Office Commission (SIPO) to impose a fine of up to €25,000 and/or a prohibition from lobbying for up to 2 years for people found non-compliant with the cooling-off period. The amendment also addresses an issue noted by Transparency International Ireland regarding the exclusion of companies with fewer than ten employees even if they were actively lobbying for high-value contracts.<sup>7</sup> Previously, this allowed groups of corporations to form interest groups that were not considered to be lobbying as they did not technically have employees. The amendment extends the definition of 'lobbying' to ensure that all representatives of businesses and coalition of business interests, irrespective of the number of employees, fall within the scope of the Lobbying Act. In addition, it made certain technical changes to the Act to improve the service of the Lobbying Register.

The Department of Public Expenditure, NDP Delivery and Reform (DPENDR) expects that by covering a broader range of individuals and entities, the amended lobbying legislation will reduce the incidence of corruption. They also anticipate that the amendment will decrease the likelihood of individuals transitioning from lobbying roles to government positions.<sup>8</sup> A civil society

representative from Think Tank for Action on Social Change (TASC) adds that the amendment will restrict businesses from trying to evade lobbying laws and foster increased trust in the government, which has eroded due to cases of public servants transitioning into lobbying careers.<sup>9</sup>

This amendment was developed based on recommendations from the third review of the Regulation of Lobbying Act, which was completed before the action plan commenced. In September 2020, the Taoiseach (Prime Minister of Ireland) announced a review of Section 22 of the Act, regarding officials' cooling-off period. The review was widened in response to two Private Member Bills in the Dáil Éireann (lower house of Irish legislature) and was completed by early Summer 2021.<sup>10</sup> The DPENDR Minister published the general scheme regulating the Lobbying Amendment Bill in February 2022,<sup>11</sup> followed by the amendment in September 2022.<sup>12</sup> The amendment was passed by the Dáil Éireann in March 2023 and by the Seanad Éireann (upper house of the Irish legislature) in May 2023. On 22 June 2023, the President of Ireland passed the amendment into law.<sup>13</sup>

Over the course of this process, the government provided updates to the public through press releases and published relevant documents such as the General Scheme,<sup>14</sup> amendments made to the Bill at different stages, and minutes of the debates at the Houses of Oireachtas.<sup>15</sup> However, there is no evidence that the government sought public consultation on the amendment's content or to create awareness about the amendment and opportunities for engagement.

By the end of the action plan period, implementation of the law had not commenced. After the end of the action plan period, in November 2023, the DPENDR Minister signed the commencement order for the Act which adopted a two-phase approach. First, the provisions on updating the lobbying register came into force on 1 January 2024. The remaining provisions in the amendment, including those that relate to the cooling-off period, are scheduled to come into force on 1 June 2024. According to a press release from DPENDR, the delays in implementing these provisions were to afford SIPO time to update the lobbying register and associated guidance, develop processes to ensure efficient operation of the new sanctions, and make lobbyists and relevant public officials aware of the upcoming changes.<sup>16</sup>

Overall, this commitment's progress can be attributed to its positioning in the Programme for Government, which created a momentum towards passing the amendment. While the two prior statutory reviews of the Regulation of Lobbying Act did not produce amendments, a third review which was underway before the action plan implementation period was able to expedite results and maintain a sense of continuity and ownership for government stakeholders.

### **Looking ahead**

The amendment to the Regulation of Lobbying Act strengthens Ireland's lobbying laws and has the potential to improve transparency if implemented appropriately. The IRM recommends that as the government begins to implement the Act, it consults reformers in Chile<sup>17</sup> and Latvia<sup>18</sup> for lessons learned on leveraging the OGP process to support lobbying reform. As of August 2023, the DPENDR was progressing with a Programme for Government commitment to make further changes to the Act. One such change is to extend the lobbying register so that the lobbying of senior officials in bodies like the Central Bank of Ireland and Commission for Communications Regulation, which have significant policymaking functions, will be reported on the same basis as lobbying of local and central governments.<sup>19</sup> This is due to be delivered through a statutory instrument.



The IRM also recommends that the government encourage researchers to use lobbying data and report irregularities to help verify data accuracy and monitor compliance with the law. Finally, concerning the cooling-off period, the government can closely monitor how the new sanctions regime affects the level of non-compliance. If need be, the government can also consider stronger accountability measures, such as making the breach of the cooling-off period a criminal offence.

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<sup>1</sup> “Regulation of lobbying,” Standards in Public Office Commission, <https://www.sipo.ie/regulation-of-lobbying>.

<sup>2</sup> Harry Cooper, “Ireland’s tough lobbying rules spark cries for similar laws elsewhere,” Politico, 9 August 2017, <https://www.politico.eu/article/ireland-lobbying-clampdown-model-for-europe>.

<sup>3</sup> “Cooling-off period,” Standards in Public Office Commission, accessed 11 April 2022, <https://www.lobbying.ie/help-resources/information-for-dpos/guidance-for-tds-senators-and-meps/cooling-off-period>.

<sup>4</sup> Martin Banks, “Brian Hayes under fire for taking ‘revolving door’ to private sector,” The Parliament, 8 January 2019, <https://www.theparliamentmagazine.eu/news/article/brian-hayes-under-fire-for-taking-revolving-door-to-private-sector>.

<sup>5</sup> Johnny Sheehan (The Wheel), interview by IRM, 23 March 2022; Antóin Ó Lachtnáin (Open Government Association of Ireland), interview by IRM, 4 March 2022.

<sup>6</sup> Cooper, “Ireland’s tough lobbying rules spark cries for similar laws elsewhere,” Politico.

<sup>7</sup> Catherine Lawlor (Transparency International Ireland), interview by IRM, 14 March 2022.

<sup>8</sup> Philip McGrath (Department of Public Expenditure, NDP Delivery and Reform), interview by IRM, 2 February 2024.

<sup>9</sup> Shana Cohen (Think Tank for Action on Social Change), correspondence with IRM, 15 January 2024.

<sup>10</sup> Joyce Nolan (Department of Public Expenditure, NDP Delivery and Reform), correspondence with IRM, 11 March 2022.

<sup>11</sup> “Minister McGrath publishes general scheme to amend Ireland’s lobbying legislation,” Department of Public Expenditure, NDP Delivery and Reform, 16 February 2022, <https://www.gov.ie/en/press-release/5b89e-minister-mcgrath-publishes-general-scheme-to-amend-irelands-lobbying-legislation>.

<sup>12</sup> “Minister McGrath published the Regulation of Lobbying (Amendment) Bill 2022,” Department of Public Expenditure, NDP Delivery and Reform, 26 September 2022, <https://www.gov.ie/en/press-release/82d93-minister-mcgrath-obtains-government-approval-to-publish-the-regulation-of-lobbying-amendment-act-2022>.

<sup>13</sup> “Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Bill 2023,” Houses of the Oireachtas, updated 22 June 2023, <https://www.oireachtas.ie/en/bills/bill/2022/85>.

<sup>14</sup> See General Scheme of the Regulation of Lobbying (Amendment) Bill 2022: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/216179/aa418105-3388-426b-925e-2c41b68eca5f.pdf#page=null>.

<sup>15</sup> “Amendments to the Regulation of Lobbying and Oireachtas,” Houses of the Oireachtas, updated 22 June 2023, <https://www.oireachtas.ie/en/bills/bill/2022/85/?tab=amendments>.

<sup>16</sup> “Minister Donohoe announces commencement of new Act to strengthen Lobbying Regulation,” Department of Public Expenditure, NDP Delivery and Reform, updated 3 January 2024, <https://www.gov.ie/en/press-release/525bd-minister-donohoe-announces-commencement-of-new-act-to-strengthen-lobbying-regulation>.

<sup>17</sup> Jorge Sahd and Cristian Valenzuela, “Lobby Law in Chile: Democratizing access to public authorities,” Open Government Partnership, December 2016, [https://www.opengovpartnership.org/wp-content/uploads/2001/01/report\\_Lobby-law-in-Chile.pdf](https://www.opengovpartnership.org/wp-content/uploads/2001/01/report_Lobby-law-in-Chile.pdf).

<sup>18</sup> “Latvia: Transparency in Lobbying (LV0042),” Open Government Partnership, 2019, <https://www.opengovpartnership.org/members/latvia/commitments/LV0042>.

<sup>19</sup> “Open Government Partnership (OGP) 14th Round Table meeting minutes,” Department of Public Expenditure, NDP Delivery and Reform, 31 August 2023, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/274601/f4effeb1-acae-40e4-a147-69c51f0724f7.pdf#page=1>.

## Section III. Participation and Co-Creation

***After failing to meet the minimum participation and co-creation requirements in the first two action plan cycles, the quality of Ireland’s OGP process improved during its third action plan. The newly formed multi-stakeholder Open Government Round Table met regularly, but engagement weakened during the implementation period. There is a need to strengthen the Round Table’s role in joint decision-making and monitoring of commitments’ implementation.***

This action plan renewed Ireland’s OGP engagement following a challenging process during the previous action plan cycle. Failure to meet the minimum requirements in its first two cycles triggered a procedural review by the OGP Criteria & Standards Subcommittee.<sup>1</sup> Improvements in the third action plan process helped Ireland meet the OGP threshold for participation. In particular, Ireland formed its first OGP multi-stakeholder forum, the Open Government Round Table, in November 2021,<sup>2</sup> which comprises six members each from government and civil society<sup>3</sup> and is co-chaired by the Department of Public Expenditure, NDP Delivery and Reform (DPENDR)—Ireland’s OGP Point of Contact and a civil society representative.<sup>4</sup> The Round Table could further diversify to reflect Ireland’s social fabric, for instance by including representatives of migrant populations or socio-economically marginalised groups.<sup>5</sup> According to the DPENDR, the Round Table focuses on co-creating and monitoring the implementation of Ireland’s National Action Plans.<sup>6</sup> Its terms of reference were co-created with the Interim Civil Society bureau and published online in 2021.<sup>7</sup>

The action plan was developed within an expedited co-creation timeline. In October and November 2021, the DPENDR distilled potential commitments from the Programme for Government and oversaw an open call for proposals for the action plan, which resulted in 18 submissions from civil society. In January 2022, the Round Table selected three commitments from the Programme for Government, one of which was also submitted by Transparency International Ireland during the public call. Following publication of the action plan, the Department provided reasoned response to stakeholders on whether their proposed commitments had been included in the action plan. Given limited time for development of the action plan, co-creation continued after its publication, with two commitments added in July 2022. These commitments were drawn from civil society submissions.<sup>8</sup>

Momentum for collaboration weakened down during the implementation period. The Round Table continued to meet regularly, which was an improvement compared to the previous action plan cycle. Meetings were held approximately every six weeks during 2023, with co-chairs and Secretariat convening between these meetings on a regular basis.<sup>9</sup> However, the Round Table began designing the next action plan at the beginning of the implementation period, which diminished attention on the oversight of commitments’ progress.<sup>10</sup> Some members then began to miss meetings towards the end of the action plan period. Civil society stakeholders did not view the Round Table as having a clear mandate in monitoring implementation, with limited autonomy to influence government policy and departmental actions.<sup>11</sup> Divisions between civil society and government members reduced trust in the multi-stakeholder forum.

Meetings were held online due to the COVID-19 pandemic. This format made it difficult for members to build working relationships and establish a collaborative atmosphere. Information of commitment progress was shared at Round Table meetings, but civil society members did not consider them sufficiently substantial.<sup>12</sup> Information was also shared with the public through the

publication of meeting minutes on Ireland’s OGP website. However, the navigability of this website could be improved to offer easy, centralised access to information on each commitment’s progress.

Several factors impacted government and civil society engagement. Government departments’ involvement in OGP commitments was largely motivated by existing initiatives drawn from the Programme for Government. There were also limited budget resources and political prioritization to undertake ambitious reforms through the OGP platform or adjust programmes based on civil society feedback. Civil society stakeholders suggested that there was a need for higher level government representation in the Round Table beyond the Principal Officer level, to ease officials’ ability to implement actions within their departments. This contributed to communication difficulties with civil society members,<sup>13</sup> who also faced financial resources and time constraints to monitor implementation. Additionally, affiliation with organisations that receive government funding generated potential conflict of interest that limited the ability and capacity of some civil society members to freely engage and participate in joint decision-making.<sup>14</sup>

Nonetheless, civil society members interviewed by the IRM emphasised the imperative for OGP to serve as a catalyst for more meaningful and expansive participation. As a next step, they highlighted the need to formalise the Round Table’s mandate in joint decision-making and monitoring of implementation.<sup>15</sup>

**Compliance with the minimum requirements**

The IRM assesses whether member countries met the minimum requirements under OGP Participation and Co-Creation Standards for the purposes of procedural review.<sup>16</sup> During co-creation, Ireland acted according to the OGP process.<sup>17</sup> The two minimum requirements listed below must achieve at least the level of ‘in progress’ for a country to have acted according to OGP process.

Key:

- Green = Meets standard
- Yellow = In progress (steps have been taken towards the standard, but not met)
- Red = No evidence of action

<b>Acted according to OGP process during the implementation period?</b>	
<p><b>The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan.</b> The government maintained and regularly updated an OGP webpage which contains information and evidence of action plan development and implementation through updated Open Government Round Table meeting minutes<sup>18</sup> and press releases.<sup>19</sup> However, the OGP webpage could benefit from a dedicated online repository to facilitate public access to all OGP materials - information on OGP processes, commitment implementation, and all related output. This would facilitate access to all OGP materials.</p>	Green
<p><b>The government provided the public with information on the action plan during the implementation period.</b> The Open Government Round Table met</p>	Green

regularly during the implementation (thirteen times between November 2021 and July 2023), and the meeting agendas and minutes are available on the OGP webpage. Government commitment holders provided updates on the progress of their commitments, which were published on the webpage.<sup>20</sup>

<sup>1</sup> “Ireland – Under Review Letter (February 2020),” Open Government Partnership, 7 February 2020, <https://www.opengovpartnership.org/documents/ireland-under-review-letter-february-2020>.

<sup>2</sup> “Open Government Round Table multi-stakeholder forum activity: Round Table members,” Department of Public Expenditure, NDP Delivery and Reform, accessed 21 February 2022, <https://www.gov.ie/ga/foilsuichan/5a21f-open-government-round-table-multi-stakeholder-forum-activity-ongoing/#round-table-members>.

<sup>3</sup> “Open Government Round Table multi-stakeholder forum activity: Round Table members,” Department of Public Expenditure, NDP Delivery and Reform.

<sup>4</sup> “Open Government Round Table multi-stakeholder forum activity: Round Table members,” Department of Public Expenditure, NDP Delivery and Reform.

<sup>5</sup> Philip McGrath (Department of Public Expenditure, NDP Delivery and Reform), interview by IRM, 2 February 2024.

<sup>6</sup> “Open Government Round Table multi-stakeholder forum activity,” Department of Public Expenditure, NDP Delivery and Reform, updated 19 February 2024, <https://www.gov.ie/en/publication/5a21f-open-government-round-table-multi-stakeholder-forum-activity-ongoing>.

<sup>7</sup> Antoin Ó Lachtáin, Vanessa Liston, Ian Devlin, and Críona Brassill, “Open Government National Action Plan RoundTable establishment and Terms of Reference,” 2021, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/202913/b78c4c1d-9bf7-4dae-b088-de94a1e428e3.pdf#page=null>.

<sup>8</sup> “IRM Action Plan Review: Ireland 2021–2023,” Open Government Partnership, 21 June 2022, <https://www.opengovpartnership.org/documents/ireland-action-plan-review-2021-2023>.

<sup>9</sup> Comments from Victoria Ronke Gbafah (Department of Public Expenditure, NDP Delivery and Reform) during public comment period, 26 April 2024.

<sup>10</sup> McGrath, interview.

<sup>11</sup> Shana Cohen (Think Tank for Action on Social Change), correspondence with IRM, 15 January 2024; Kathryn McCabe (The Change Agency), Interview by IRM, 7 December 2023.

<sup>12</sup> Cohen, correspondence; McCabe, interview.

<sup>13</sup> Antóin Ó Lachtnáin (Open Government Association Ireland), interview by IRM, 23 November 2023.

<sup>14</sup> McCabe, interview.

<sup>15</sup> Kathryn McCabe (The Change Agency) and Shana Cohen (Think Tank for Action on Social Change), interview by IRM, 6 December 2023.

<sup>16</sup> Please note that future IRM assessment will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022. See: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>.

<sup>17</sup> “IRM Action Plan Review: Ireland 2021–2023,” Open Government Partnership.

<sup>18</sup> “Open Government Round Table multi-stakeholder forum activity,” Department of Public Expenditure, NDP Delivery and Reform.

<sup>19</sup> “Minister McGrath obtains government approval for proposals to reform lobbying legislation,” Department of Public Expenditure, NDP Delivery and Reform, updated 27 August 2021, <https://www.gov.ie/en/press-release/c14e0-minister-mcgrath-obtains-government-agreement-to-draft-a-general-scheme-to-amend-irelands-lobbying-legislation>.

<sup>20</sup> “Open Government Round Table multi-stakeholder forum activity,” Department of Public Expenditure, NDP Delivery and Reform.

## Section IV. Methodology and IRM Indicators

This report supports members’ accountability and learning through assessment of (i) the level of completion for commitments’ implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country’s OGP webpage.<sup>1</sup>

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.<sup>2</sup> The IRM will revisit its products, process, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports.

### Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.<sup>3</sup> The level of completion for all commitments is assessed as one of the following:

- *No Evidence Available*
- *Not Started*
- *Limited*
- *Substantial*
- *Complete*

### Early Results

The IRM assesses the level of results achieved from the implementation of commitments that have a clear open government lens, a high level of completion, or show evidence of achieving early results (as defined below). It considers the expected aim of the commitment prior to its implementation, the specific country context in which the commitment was implemented, the specific policy area, and the changes reported.

The early results indicator establishes three levels of results:

- **No Notable Results:** According to the evidence collected (through desk research, interviews, etc.), the implementation of the open government commitment led to little or no positive results. After assessing the activities carried forward during the period of implementation and its outcomes (if any), the IRM did not find meaningful changes towards:
  - improving practices, policies, or institutions governing a policy area or within the public sector, or
  - enhancing the enabling environment to build trust between citizens and the state.
- **Moderate Results:** According to the evidence collected (through desk research, interviews, etc.), the implementation of the open government commitment led to positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
  - improving practices, policies or institutions governing a policy area or within the public sector, or
  - enhancing the enabling environment to build trust between citizens and the state.

- **Significant Results:** According to the evidence collected (through desk research, interviews, etc.), the implementation of the open government commitment led to significant positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
  - improving practices, policies or institutions governing a policy area or within the public sector, or
  - enhancing the enabling environment to build trust between citizens and the state.

Significant positive results show clear expectations for these changes (as defined above) to be sustainable in time.

For Commitments 4 and 5, which were added to the action plan after the Action Plan Review was published, this Results Report retroactively assesses their design in terms of verifiability, open government lens, and potential for results. For more information on the assessment of the commitments' design, see Ireland's Action Plan Review 2021–2023.<sup>4</sup>

This report was prepared by the IRM in collaboration with Thelma Obiakor and was reviewed by Andy McDevitt, IRM external expert. The IRM methodology, quality of IRM products, and review process are overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- Snjezana Bokulic
- Maha Jweied
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual<sup>5</sup> and in Ireland's Action Plan Review 2021–2023. For more information, refer to the "IRM Overview" section of the OGP website.<sup>6</sup> A glossary on IRM and OGP terms is also available on the OGP website.<sup>7</sup>

<sup>1</sup> "Ireland," Open Government Partnership, accessed 23 October 2023, <https://www.opengovpartnership.org/members/ireland>.

<sup>2</sup> "Creating OGP's future together: Strategic Planning 2023–2028," Open Government Partnership, <https://www.opengovpartnership.org/creating-ogps-future-together>.

<sup>3</sup> The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses "potential for results" and "early results" at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

<sup>4</sup> "IRM Action Plan Review: Ireland 2021–2023," Open Government Partnership, 21 June 2022, <https://www.opengovpartnership.org/documents/ireland-action-plan-review-2021-2023>.

<sup>5</sup> "IRM Procedures Manual v3," Open Government Partnership, 16 September 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

<sup>6</sup> "IRM Overview," Open Government Partnership, <https://www.opengovpartnership.org/irm-guidance-overview>.

<sup>7</sup> "OGP Glossary," Open Government Partnership, <https://www.opengovpartnership.org/glossary>.

## Annex I. Commitment Data<sup>1</sup>

### Commitment 1: Review of Ireland's Statutory Framework for Ethics in Public Life

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

Under this commitment, the Department of Public Expenditure, NDP Delivery and Reform (DPENDR) made substantial progress on implementing a review of the statutory framework for ethics in public life. However, the commitment's milestones did not focus on undertaking policy reforms during the implementation period. In December 2022, the government approved the publication of the Ethics Review report and preparation of a General Scheme based on the report's recommendations.<sup>2</sup>

The report was published in February 2023. Its recommendations focus on five main themes: (1) a legislative framework for ethics underpinned by a set of overarching integrity principles, (2) new specific statutory prohibitions, including on the use of insider information, (3) disclosure requirements for officeholders, (4) a strengthened Standards in Public Office Commission, and (5) post-term employment restrictions for elected officials and public servants, beyond those already covered by lobbying regulation.<sup>3</sup> According to the DPENDR, implementation of a milestone on the preparation of a general scheme for corresponding legislative reform was still underway at the end of the action plan cycle.<sup>4</sup>

### Commitment 2: Review of Ireland's Freedom of Information (FOI) regime

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

This commitment made substantial progress on implementing a review of Ireland's current Freedom of Information regime but did not include milestones to use the review in strengthening access to government information. A roadmap document published in September 2021 details the review process. In December 2021, a consultation on the scope of the review received about 1,200 responses from stakeholders across all sectors. A customer satisfaction survey undertaken in May 2022 received about 1,100 more responses. Following these, a full public consultation around the key themes in the review received 60 responses, closing in September 2023, after the end of the implementation period.

Focus group sessions and interviews also gathered key stakeholder groups' perspectives, such as the National Union of Journalists, the Data Protection Commission, and the HSE National Open Disclosure Office.<sup>5</sup> The government also conducted a comprehensive assessment of international best practices.<sup>6</sup> However, there is no evidence that milestones to conduct regional events for broader input were completed. The review report was also not published by the end of the implementation period, although the Department of Public Expenditure, NDP

Delivery and Reform (DPENDR) anticipates that it will be published in 2024. According to the DPENDR, this delay related to the wide range of stakeholder responses received, and the administrative complexity of Ireland’s Freedom of Information regime.<sup>7</sup>

**Commitment 3: Review of the operation of the Regulation of Lobbying Act 2015**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Substantial</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Early results:</b> Moderate Results</li> </ul> |
|---|--|

This commitment is assessed in Section II above.

**Commitment 4: Progressing civic participation**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|---|

This commitment completed its milestones on developing guidance for government collaboration with civil society and establishment of a new National Civic Forum for formal dialogue between the government and civil society. However, it did not make notable improvements to existing civic participation practices. The government launched the Values and Principles for Collaboration and Partnership Working with the Community and Voluntary Sector in 2022 which offer non-binding guidance.<sup>8</sup> As of March 2023, the Department of Rural and Community Development (DRCD) stated that as all government departments reviewed their Statement of Strategy, they were reminded of the new Values and Principles.<sup>9</sup>

The commitment also established a new National Civic Forum. Its first dialogue occurred in November 2022, during the implementation period, and focused on agenda setting. It included 130 delegates from the community, voluntary, and state sectors.<sup>10</sup> However, the National Civic Forum is not designed to have a direct role in government decision-making or to replace existing sector-specific fora across several government policy domains. According to the Department of Public Expenditure, NDP Delivery and Reform, new delegates beyond the usual suspects were included.<sup>11</sup> However, civil society representatives do not consider the forum to be sufficiently representative, noting low representation of key demographic groups such as LGBTQ+ communities, ethnic minorities, and people with disabilities.<sup>12</sup>

After the implementation period, the National Civic Forum held a second dialogue in November 2023 on civil society involvement in designing policy. The DRCD reported plans to hold two more dialogues in 2024 and 2025 focused on civil society’s role in monitoring and evaluating policy implementation.<sup>13</sup> Moving forward, the IRM recommends diversifying the forum and developing mechanisms to systematically implement feedback from the forum and evaluate its impact. To support iterative dialogue, the frequency of meetings could also be increased.



**Commitment 5: Strengthening inclusion and civic deliberation in local decision making**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Does it have an open government lens?</b> Yes</li> <li>• <b>Potential for results:</b> Modest</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> <li>• <b>Early results:</b> No Notable Results</li> </ul> |
|--|--|

This commitment made limited progress on its milestones to strengthen Public Participation Networks (PPNs) and Strategic Policy Committees—existing structures that local authorities use to collaborate with community members. Under the commitment, Mazars—an international firm—conducted an independent structural review of PPNs that was published in mid-2022.<sup>14</sup> It was commissioned in 2021 prior to the action plan cycle.<sup>15</sup> Following publication of the review report, stakeholders were asked to provide feedback on its recommendations, with 26 comments received from PPNs, 13 from local authorities, and 7 from other groups. A working group comprised of representatives from PPNs, local authorities, civil society, and the Department of Housing, Local Government, and Heritage was established to oversee development and implementation of a roadmap to guide PPNs’ growth over the coming years. By April 2023, the group had met five times.<sup>16</sup>

Milestones to research participation barriers for diverse communities in PPNs resulted in the preparation and circulation of a draft terms of reference,<sup>17</sup> but the actual research work did not commence during the implementation period.<sup>18</sup> The Department of Rural and Community Development attributed this delay to administrative bottlenecks,<sup>19</sup> and expects the research to be completed in 2024.<sup>20</sup> Regarding Strategic Planning Committees, the Department of Housing, Local Government, and Heritage established a stakeholder working group to steer the planned review of these committees and published this group’s terms of reference online.<sup>21</sup> However, the review fell behind schedule and was not completed by the end of the implementation period.<sup>22</sup>

**<sup>1</sup> Editorial notes:**

1. Commitments’ short titles may have been edited for brevity. For the complete text of commitments, please see: “Ireland’s third Open Government Partnership National Action Plan 2021–2023,” Department of Public Expenditure, NDP Delivery and Reform and Open Government Round Table, June 2022, [https://www.opengovpartnership.org/wp-content/uploads/2021/12/Ireland\\_Action-Plan\\_2021-2023\\_Revised\\_July2022.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/12/Ireland_Action-Plan_2021-2023_Revised_July2022.pdf).
2. For more information on the assessment of the commitments’ design, see: “IRM Action Plan Review: Ireland 2021–2023,” Open Government Partnership, 21 June 2022, <https://www.opengovpartnership.org/documents/ireland-action-plan-review-2021-2023>.
3. For Commitments 4 and 5, which were added to the action plan after the Action Plan Review was published, this Results Report retrospectively assesses their design, in terms of verifiability, open government lens, and potential for results.

<sup>2</sup> “Publication of the Report of the Review of Ireland’s Statutory Framework for Ethics in Public Office,” Department of Public Expenditure, NDP Delivery and Reform, 7 February 2023, <https://www.gov.ie/en/press-release/0bbc0-publication-of-the-report-of-the-review-of-irelands-statutory-framework-for-ethics-in-public-office>.

<sup>3</sup> “Review of Ireland’s Statutory Framework for Ethics in Public Office,” Department of Public Expenditure, NDP Delivery and Reform, 3 February 2023, <https://www.gov.ie/en/publication/bc390-review-of-irelands-statutory-framework-for-ethics-in-public-office>.

<sup>4</sup> “Open Government Partnership (OGP) 14<sup>th</sup> Round Table meeting minutes,” Department of Public Expenditure, NDP Delivery and Reform, 31 August 2023, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/274601/f4effeb1-acae-40e4-a147-69c51f0724f7.pdf#page=1>.

<sup>5</sup> “Review of the Freedom of Information Act: Progress Update,” Department of Public Expenditure, NDP Delivery and Reform, December 2022, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/242358/05191c81-a99c-4c6d-8d0d-776166bcd464.pdf#page=null>.

<sup>6</sup> Phillip McGrath (Department of Public Expenditure, NDP Delivery and Reform), interview by IRM, 2 February 2024.

<sup>7</sup> McGrath, interview.

<sup>8</sup> “Open Government Partnership (OGP) 9<sup>th</sup> Round Table meeting minutes,” Department of Public Expenditure, NDP Delivery and Reform, 26 October 2023, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/252022/79eefc1c-be3a-4059-a61b-84ff06910494.pdf#page=1>.

<sup>9</sup> “Open Government Partnership (OGP) 10<sup>th</sup> Round Table meeting minutes,” Department of Public Expenditure, NDP Delivery and Reform, 9 March 2023, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/266437/6846bae2-371e-4464-b0bd-52aa36cc1647.pdf#page=1>.

<sup>10</sup> “Taoiseach, Minister Humphreys, and Minister of State Joe O’Brien open first National Community and Voluntary Civic Forum,” Department of Rural and Community Development, 21 November 2022, <https://www.gov.ie/en/press-release/efc52-taoiseach-minister-humphreys-and-minister-of-state-joe-obrien-open-first-national-community-and-voluntary-civic-forum>.

<sup>11</sup> Comments from Victoria Ronke Gbafah (Department of Public Expenditure, NDP Delivery and Reform) during public comment period, 26 April 2024.

<sup>12</sup> Shana Cohen (Think Tank for Action on Social Change), interview by IRM, 6 December 2023.

<sup>13</sup> Kieran Moylan (Department of Rural and Community Development), interview by IRM, 26 January 2024.

<sup>14</sup> “Structural Review of the Public Participation Network Report,” Department of Rural and Community Development, March 2022, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/227490/1223d8cc-dedc-4e1e-a2b7-37d9e198a06f.pdf#page=null>.

<sup>15</sup> “PPN Structural Review Report,” Department of Rural and Community Development, 17 June 2022, <https://www.gov.ie/en/collection/19e5e-ppn-structural-review-report>.

<sup>16</sup> “Briefing on commitment related to PPNs: Strengthening inclusion and civic deliberation in local decision making,” Open Government Partnership Round Table, 20 April 2023, <https://s3-eu-west-1.amazonaws.com/govieassets/266920/7b96e46e-3665-4444-b13c-a2e9b51672be.pdf>.

<sup>17</sup> “Request for tender Research on barriers to involvement in Public Participation Networks,” Department of Public Expenditure, NDP Delivery and Reform, 6 July 2023.

<sup>18</sup> “Open Government Partnership (OGP) 13<sup>th</sup> Round Table meeting minutes,” Department of Public Expenditure, NDP Delivery and Reform, 20 July 2023, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/266917/1222a907-a77c-41a5-905a-58c715e287f4.pdf#page=1>.

<sup>19</sup> Moylan, interview.

<sup>20</sup> Jackie Fisher (Department of Public Expenditure, NDP Delivery and Reform), correspondence with IRM, 4 April 2024.

<sup>21</sup> “Terms of reference for working group for the review of local authority Strategic Policy Committees,” Department of Housing, Local Government and Heritage, 27 March 2023, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/251225/99b25ca6-42b5-488b-a7c5-79b96446442c.pdf#page=null>.

<sup>22</sup> “Open Government Partnership (OGP) 14<sup>th</sup> Round Table meeting minutes,” Department of Public Expenditure, NDP Delivery and Reform, 31 August 2023, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/274601/f4effeb1-acae-40e4-a147-69c51f0724f7.pdf#page=1>.