Independent Reporting Mechanism

Action Plan Review:
Portugal 2023–2027

Open
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Partnership

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Section I: Overview of the 2023–2027 Action Plan

In its third cycle, Portugal opted for a four-year action plan that provides continuity to open government reforms amid changes in the country's political leadership. Promising commitments seek to better implement access-to-information legislation by enhancing capacity building of public officials, particularly at the local level. Many of the plan's commitments lack ambition, focusing on ongoing efforts and training public officials. Moving forward, Portugal has the opportunity to revise the plan to strengthen its potential for results, and revitalize the National Network for Open Administration.

Portugal's third action plan is its first to undertake a four-year period. Five of its seven commitments address similar policy areas as previous action plans, aimed at continuing to improve compliance with the access-to-information law, develop transparency portals, and increase available information on the State's structure and tax matters. Two commitments introduce new policy areas, seeking to intensify corruption prevention in the public sector and educate citizens on participatory democracy. All but one commitment focus on training public officials and disseminating open government principles within the public administration.[1]

For clarity of analysis, this report clusters Commitments 2 and 3, which plan for promising efforts to improve compliance with the access to information law. The cluster intends to increase the number of government entities that have appointed Persons Responsible for Access to Information by holding trainings to raise public officials' awareness of their legal responsibilities. This cluster has modest potential for results, as achieving full compliance may require wider changes to aspects of the legal and institutional framework for access to information in Portugal.

AT A GLANCE

Participating since: 2017
Action plan under review: 2024–2027
IRM product: Action Plan Review
Number of commitments: 7

Overview of commitments:
Commitments with an open government lens: 7 (100%)
Commitments with substantial potential for results: 0 (0%)
Promising commitments: 2 (28%)

Policy areas:
Carried over from previous action plans:
- Right to information
- Open data

Emerging in this action plan:
- Anti-corruption
- Civic education

Compliance with OGP minimum requirements for co-creation: No

Overall, this action plan is less ambitious than Portugal's previous plans, with no commitments that have substantial potential for results. The commitments focus on first steps, like transparency portals and trainings, but lack milestones to enact change, for instance through civic monitoring. The Agency for Administrative Modernization (AMA) see the action plan as responding to citizen priorities through the commitments' continuity with previous initiatives. However, civil society organizations expected more innovative contributions to projects underway, and more ambitious

areas of reform.[2] Government and civil society stakeholders acknowledge that commitments would benefit from concretizing their milestones further, focusing on actionability.[3]

AMA led development of these commitments, along with the National Network for Open Administration (RNAA), Portugal's multi-stakeholder forum. In January 2024, after the plan was adopted, AMA relocated from the Prime Minister's office to the new Ministry of Youth and Modernization, and the OGP Point of Contact shifted to LabX, within AMA.[4] RNAA continues to comprise seven members from public entities and three from civil society. Since the previous action plan cycle, government and civil society stakeholders have agreed that there is need to revitalize RNAA by including more public entities and civil society organizations, reducing dependence on AMA, and building a wider network of diverse and engaged stakeholders.[5]

The co-creation process occurred over a short four-month period, interrupted by the President's unexpected dissolution of Parliament and call for elections. It began with an RNAA consultation about possible commitments. To gather wider public input, three workshops were held in November 2023, and a 10-day survey elicited 112 responses. Government entities also offered input, and commitments were drafted based on the government proposals. In December, these draft commitments were shared with RNAA for feedback and opened for a one-week public consultation—from 21 to 27 December—that received no comments. RNAA adopted the action plan on the following day, 28 December.[6] AMA highlighted strong engagement with national associations for municipalities and parishes.[7] However, given that civil society proposals were not included in the final commitments, civil society stakeholders did not feel the co-creation process provided space for meaningful contributions, and noted the need for inclusion in meetings with implementing entities.[8] These shortcomings led to less ambitious commitments than the previous action plan.

The development of Portugal's third action plan did not meet the minimum requirements of the OGP Participation & Co-Creation Standards as it did not publish a co-creation timeline or overview of opportunities for stakeholders to participate. OGP instituted a 24-month grace period to ensure a fair and transparent transition to these updated standards. As this action plan was co-created in 2023, it falls within the grace period and accordingly, the procedural consequences that normally attach to non-compliance with the standards do not apply here.

AMA is considering revisions to the action plan.[9] As they point out, the strength of a four-year period can be less dependence on the political cycle and more ownership by the public sector's technical staff.[10] Given that this is Portugal's first four-year plan, the IRM recommends amendments to raise its potential for results. For commitments that carry forward existing programs, stakeholders could consider pathways to generate ambitious change beyond work already underway. Meanwhile, commitments that focus on dissemination and training for public entities could adopt related reforms, integrating civil society and the public. In addition to strengthening existing commitments, RNAA could consider incorporating new commitments, like those proposed by civil society during the co-creation process on disclosure of political agendas, the beneficial ownership registry, or citizen monitoring of public funds.[11] To ensure successful results, commitment leads can also provide a clear role for civil society in implementation and monitoring. The Ministry of Youth and LabX's new roles in OGP could be an opportunity to boost participatory tools and prioritize youth engagement.

[1] *Portugal Action Plan 2023-2027* (OGP, 29 Jan. 2024), https://www.opengovpartnership.org/documents/portugal-action-plan-2023-2027-december/.

[2] Luis Vidigal (Platform of Civil Society Associations – House of Citizenship), interview by IRM researcher, 12 Apr. 2024; Karina Carvalho (Transparency International Portugal), interview by IRM researcher, 16 Apr. 2024; Jorge Lagarto and Paulo Francisco (Point of Contact team at LabX), interview by IRM researcher, 6 May 2024; and Sérgio Pepo Ramos (former Point of Contact at AMA), interview by IRM researcher, 9 May 2024.

[3] *Id.*

[4] LabX is a center for public sector innovation integrated in the Agency for Administrative Modernization (AMA). It has been engaged in the OGP process since the first action plan, and will oversee implementation of the third action plan. The LabX team is the current OGP Point of Contact, including Jorge Lagarto (LabX director), Patrícia Paralta, and Beatriz Silva. *See* https://labx.gov.pt/.

[5] National Network for Open Administration (RNAA), "XXI Reunião da Rede Nacional de Administração Aberta [Minutes of the 21st multistakeholder forum meeting]" (Apr. 2023), https://ogp.eportugal.gov.pt/documents/48760/0/Ata_1+-+XXI+Reuni%C3%A3o+RNAA_27042023_V1_cada.pdf/8e8c266e-b4b4-4ad1-6fe9-9088a3b13c6e; RNAA, " XXII Reunião da Rede Nacional de Administração Aberta [Keynotes of the 22nd multistakeholder forum meeting]" (Aug. 2023), https://ogp.eportugal.gov.pt/documents/48760/0/XXII_reuniao_29082023+%281%29.pdf/c1f447eb-aefe-7ae8-a68e-91908a18ea46; Lagarto and Francisco, interview; Ramos, interview.

[6] Ramos, interview.

[7] Sérgio Pepo Ramos (former Point of Contact at AMA), email to RNAA, 20 Dec. 2023; Ramos, interview.

[8] Karina Carvalho (TI Portugal), email response to Point of contact and RNAA members, 21 Dec. 2023; Luis Vidigal (PASC), email response to Point of contact and RNAA members, 22 Dec. 2023; Vidigal, interview.

[9] RNAA, "XXV Reunião Rede de Administração Aberta [XXV Open Administration Network Meeting]" (virtual: Teams, 28 Dec. 2023), https://ogp.eportugal.gov.pt/documents/48760/0/Ata_XXV+Reuni%C3%A3o+RNAA_28122023+%282%29.pdf/6fefaf0c-2014-33ab-65da-5ae19130d9d7; Lagarto and Francisco, interview.

[10] Lagarto and Francisco, interview; Ramos, interview.

[11] The following six commitments were proposed by civil society during the co-creation process:
- Platform of Civil Society Associations (PASC):
    - Disclosure of political agendas (from government, parliamentary committees, and municipal presidents).
    - Publicity of plans and reports of public bodies with an indication of non-compliers (related to Commitment #5).
- Transparency International Portugal:
    - Update of the Central Registry of Beneficial Owners (RCBE) to ensure public access (unrestricted and without prior registration) and/or access to people or entities that demonstrate legitimate interest.
    - Support corruption and fraud prevention in the use of public funds by involving citizens and companies in civic monitoring initiatives that reinforce trust in public management.
- ANJE:
    - Enhancing financial and entrepreneurial literacy related to a protocol with the Portuguese Institute for Sports and Youth (IPDJ).
    - Making more services available to companies, in relation with the Institute of Registries and Notary (IRN).

See RNAA, email exchange among RNAA members, 20–22 Dec. 2023; RNAA, "XXV Reunião Rede de Administração Aberta [XXV Open Administration Network Meeting]".

Section II: Promising Commitments in Portugal's 2023–2027 Action Plan

The following review looks at the two clustered commitments that the IRM has identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of the action plan.

Table 1. Promising commitments

Promising Commitments
Commitments 2–3: Assessment and training on the Law on Access to Administrative Documents. This cluster of commitments intends to advance access to information in Portugal by improving public officials' knowledge of the law—both on active information disclosure and response to access to information requests. This could support their implementation of the law and increase the number of Persons Responsible for Access to Information (RAI) in public entities.

Commission for Access to Administrative Documents (CADA); National Association of Portuguese Municipalities (ANMP); National Association of Parishes (ANAFRE); General Secretariat of the Presidency of the Council of Ministers (SGPCM); National Institute of Administration (INA); Portuguese Association of Librarians, Archivists and Information Professionals (BAD); Transparency International Portugal; Platform of Civil Society Associations (PASC); Platform Article 37

For a complete description of the commitments included in this cluster, see Portugal's 2024–2027 action plan:
https://www.opengovpartnership.org/documents/portugal-action-plan-2023-2027-december/

Context and objectives
Portugal's Law on Access to Administrative Documents (LADA) was adopted in 2016 and is not being fully implemented.[1] The Council of Europe's Group of States against Corruption (GRECO) reports that restrictions in the law and a public administration culture of secrecy contribute to gaps in disclosure of information.[2] According to Article 9 of the Law, all public entities and private bodies managing public funds must appoint a Person Responsible for Access to Information (RAI, by its Portuguese acronym).[3] Of about 9,000 entities obliged by the law,[4] only 312 RAIs were registered on the portal of the Commission for Access to Administrative Documents (CADA) as of May 2024.[5] Commitments 2 and 3 seek to address this non-compliance. They intend to promote the Law within the Public Administration to raise the number of RAIs and the capacity of public entities to better deliver on access to information.

CADA's mandate, as an independent administrative entity, is to safeguard access to administrative and environmental information by monitoring and ensuring compliance with the law. During Portugal's previous two action plans, the Commission's commitments did not yield

expected results. In the first action plan, objectives were too broad and progress limited. In the second action plan, the commitment lacked ownership by the entities obliged to designate RAIs.[6] CADA reflected that by seeking to reach all public institutions, the commitment was not sufficiently feasible.[7] Nevertheless, dissemination activities had a positive effect on non-compliance. The number of RAIs increased from 49 to 257 during the implementation period, and more public entities continued to designate RAIs over the following months.[8]

In light of these previous efforts, CADA decided to take a step back to deeply understand and tackle the public sector's slow compliance with the Law, building a reform that would balance ambition with feasibility. The third action plan's cluster of commitments, proposed and led by CADA, focuses on addressing a key underlying cause for lagging RAI appointment: Lack of awareness of the Law.[9] Commitments 2 and 3 intend to assess LADA's level of implementation, and to train officials in all regions and levels of government on their obligations to disclose information and respond to information requests.

Potential for results: Modest
This cluster of commitments aims to advance Portugal toward complete implementation of the legal framework for access to information. It will be the first time an extensive and wide-ranging dissemination campaign on LADA is conducted for the public sector in Portugal, with the goal of reaching all local governments in all regions of Portugal—a target of nearly 4,000 entities, according to a CADA representative.[10] It will also conduct the first comprehensive evaluation of the Law.

Commitment 3's evaluation was already concluded during the first stage of implementation in April 2024. The evaluation[11] assesses how LADA is being implemented, the quality of the Law, and areas in which it could be improved. A series of presentations are planned to disseminate the report and findings, although the commitment does not contain a milestone on this.[12] Preliminary conclusions point to a lack of knowledge about the Law among public entities, as the main obstacle to the full implementation of the law. It also notes that LADA does not provide for any sanction if a public entity does not designate an RAI.[13] In addition, many entities that had appointed an RAI had not informed CADA of this.[14]

Based on the evaluation's findings, under Commitment 2, a capacity-building programme will be developed for public entities covering all levels of public administration, with a focus on local governments. The Commitment outlines a programme with a series of workshops, trainings, conferences, and promotional actions that are to be detailed in yearly plans, as well as the production of a manual about LADA.[15] By May 2024, the programme for 2024 had been established. Every year of the implementation period, an annual training session will be organized in each of the country's 21 intermunicipal communities and autonomous regions of Azores and Madeira. Each workshop will last half a day, combining theory and practice. In addition, other dissemination activities will be organized with the different entities.

In contrast with other commitments in the action plan, CADA sought to involve a range of entities, in particular local government associations ANMP and ANAFRE, and civil society organizations.[16] A dedicated working group led by CADA and ANMP will meet three to four times a year to ensure and monitor implementation of the workshops (it held its first meeting in early 2024). CADA will be responsible for the workshops' content, and ANMP and ANAFRE will be responsible for their dissemination across the country, and will facilitate some of them. This

collaboration entails ownership by local government associations, to ensure that the majority of public officials, especially at the local level, are trained. Two central authorities—the General Secretariat of the Presidency of the Council of Ministers (SGPCM) and the National Institute of Administration (INA)—will also be involved in training and promotional activities and will collaborate in the production of a manual about the Law. Finally, from civil society, TI Portugal, PASC, and Platform Article 37 were consulted during evaluation of the Law and included in a group accompanying the evaluation. In addition, the Portuguese Association of Librarians, Archivists, Information and Documentation Professionals (BAD) will carry out a capacity-building activity each year[17] - although civil society organizations note the need for a wider group of organizations to participate in implementation and monitoring.[18] During implementation, CADA expects information to be available to the public through ANMP and ANAFRE, which will widely disseminate and publicize activities through their websites.[19]

Given the dimension and duration of the capacity-building programme, CADA anticipates positive impact in several areas, unlocking implementation of LADA and increasing the number of RAIs. The commitments are also expected to inform a future parliamentary reform of the law. More broadly, CADA sees the potential to encourage a change in the behavior of public officials and boost a culture of transparency in the public sector. CADA has not established a quantitative target for the increase in RAIs, but expects their numbers to more than double to 600 RAIs by the end of 2027, and is focusing on strengthening the network of RAIs as well.[20] Civil society representatives also expressed that, by seeking to improve access to information, the cluster addresses an issue important to citizens and, indirectly, could enhance civic participation.[21]

However, achieving the cluster's expected outcomes is not exclusively within CADA's purview. In particular, CADA does not have the authority to designate RAIs in every public body, since the responsibility lies with the institutions themselves, and it cannot impose sanctions.[22] With information requests, when citizens address complaints to CADA about public entities' non-response, CADA's intervention leads to provision of information in a high percentage of cases.[23] However, this approach may not be sufficient to achieve full compliance with the law. Civil society representatives noted that, since the law already is already in place, OGP commitments could include more ambitious measures. In addition, they noted that the commitment does not directly target citizen engagement in making use of government information.[24] CADA anticipates undertaking efforts to raise citizens' awareness on access to information at a later stage, once all public institutions effectively comply with the law.[25]

Overall, this cluster undertakes a promising, evidence-based effort to increase awareness of LADA across public institutions. It has the potential to modestly improve the application of LADA, although it would not change the legal and institutional framework for access to information in Portugal.

Opportunities, challenges, and recommendations during implementation
CADA's continued engagement and leadership of this cluster is essential to achieving results, particularly since the March 2024 general elections. Under the new administration, changes to OGP's governance may impact action plan implementation.[26] Beyond the commitment's current scope, the government could start considering how it might take more ambitious steps to enhance access to information. For instance, by conducting an awareness-raising campaign, trainings on information reuse for citizens,[27] and by revising LADA with public participation.[28]

Revisions to LADA could take further measures to limit the use of the Law's restrictions.[29] During implementation, the IRM also recommends:

- **Involving civil society organizations and experts on access to information — particularly those consulted for the evaluation of the Law— in the design and development of public officials' trainings.** The training plan should be based on the evaluation's findings and complemented by civil society experts' thorough understanding of priority topics for citizens.
- **Focusing the trainings on the practicalities of implementing LADA** in participants' agencies and localities. Participants could develop implementation plans as part of the training process, including how they will reach out to civil society and the public. Following the trainings, further support (financial, technical, mentoring, etc.) could help participants take their practical plans forward, along with regularly sharing best examples from the training cohort. Establishing and supporting a community of practice could also facilitate ongoing learning among the participants.
- **CADA could establish a working group involving civil society** to discuss LADA's progress and how to improve compliance, building off the group that accompanied the evaluation of the Law, the participation of CADA in actions organized by archivist and environmentalist associations, and following the example of the United Kingdom's OGP commitment on "Compliance with Freedom of Information Act."[30]
- **Publish periodic statistics to show the evolution of public entities' compliance with the law**. Such data would help raise awareness about the Law and, provided it shows improvement, would contribute to increasing citizens' trust in government. A follow-up to the initial evaluation could add further evidence and insights about implementation, compliance, and whether information is in fact being made more accessible.
- **Start exploring outreach to citizens on how to make use of government information,** once RAIs are in place and trained. RAIs could be trained to conduct this outreach, complemented by CADA, regional associations, and civil society organizations.

Other commitments
The other five commitments the IRM did not identify as promising are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

According to civil society organizations, these commitments' share cross-cutting weaknesses in terms of their design: they continue work already underway (not seeking to generate binding or institutionalized changes across government); do not undertake sufficiently ambitious open government reform areas; focus on dissemination and training for public entities without integrating civil society; and do not clearly establish responsibilities for implementation and monitoring.

Commitment 1 seeks to train public officials—especially from local governments—on different existing government open data portals and on their interoperability, particularly the Dados, Participa, and Mosaico portals. The commitment is led by AMA in partnership with the central government (SGPCM) and local government associations (ANMP and ANAFRE). However, the commitment only foresees a limited number of training sessions for some public sector managers and technical staff and does not involve civil society experts.[31] To support the commitment's objectives, AMA could focus the trainings practically on what it would look like to use the portals

in the participants' agencies and localities. Participants could develop implementation plans as part of their training, including how they will engage civil society and the public in using the platforms. Following the trainings, further support (financial, technical, mentoring, etc.) could help the participants take their practical plans forward, along with regularly sharing best examples from the training cohort. AMA could also facilitate ongoing learning among the participants by establishing and supporting a community of practice, which could also include members of civil society and the public. Beyond the trainings, to strengthen the commitment's potential for results, steps could be taken to strengthen the portals' accessibility and interoperability, pursuing efforts from previous action plans. The commitment would also benefit from engaging citizens, civil society organizations, and experts to identify areas of interest for the reuse of government data.

Commitment 4 focuses on making information about tax benefits publicly available and accessible on the transparency portal, "Mais Transparência," including public disclosure about the recipients of tax benefits in Portugal.[32] While civil society representatives consider this information important, the law already requires publication of this information on the transparency portal and the Commitment does not provide for access to new information.[33] The information to be disclosed is already required by the Portuguese Tax Benefits Code.[34] To further the commitment's objective, stakeholders could design new milestones, collecting and integrating citizen feedback on the information made available through Mais Transparência. To support participatory decision making in fiscal policy, this could also include dialogue about the kinds of tax benefits and expenditures the state is granting, and why.

Commitment 5 builds on previous action plans' efforts to offer public access to complete and updated information on the organization of the State. It seeks to provide a single, online directory of public employers with free and easy access for the general public.[35] However, the Commitment as written has a narrow scope, with milestones limited to only the first year of implementation.[36] The General Directorate of Administration and Public Employment (DGAEP) could further analyze obstacles to the development of SIOE and determine solutions. DGAEP could consider integrating civil society organizations and experts in a technical focus group and holding regular follow-up meetings, in addition to the technical collaborative group in place with public entities.[37]

Commitment 6 aims to improve public bodies' compliance with the General Regime for the Prevention of Corruption. While this corresponds to the mandate of the National Anti-Corruption Mechanism (MENAC), the institution responsible for the Commitment is the General Secretariat of the Presidency of the Council of Ministers (SGPCM). SGPCM will cease to exist in November 2024, some of its functions will be assigned to different entities, and the commitment is expected to be reformulated.[38] As written, the Commitment's scope is limited, planning to produce up to five manuals, up to five webinars, and one-on-one clarification sessions with entities. Implementers could strengthen the Commitment's ambition by increasing the scale of the training programme and building a community of practice (similar to the IRM's recommendations for Commitment 1). Implementers could also consider adding milestones to evaluate key gaps in public bodies' compliance and address these gaps through wider reforms - considering binding mechanisms to raise compliance levels. It would be beneficial to draw on MENAC's recently published guides on the corruption prevention regime. Stakeholders can also clarify roles and responsibilities in implementation and monitoring, in particular enhancing MENAC's ownership of the Commitment and defining the role of TI Portugal as civil society partner.

Commitment 7 will develop and implement an informal educational programme on participation and digital citizenship to promote participatory democracy. The Commitment is part of the "Educational Service for Democracy" project,[39] launched by the General Secretariat of the Presidency of the Council of Ministers (SGPCM) in 2023 and is connected to other civic participation activities being developed by AMA and LabX.[40] However, it is unclear what aspects of the Commitment are ongoing work for SGPCM, and what added value inclusion in the OGP action plan provides. While one of the objectives is to explore new participation formats, milestones revolve around training and communication activities such as webinars, conferences, podcasts, and a Council of Ministers simulation with citizens. Ahead of implementation, it would be useful to clarify what participatory tools would be piloted and tested, and to add milestones seeking to increase participation opportunities in practice. It will also be important to clarify the roles of civil society partners PASC and ANJE, and to leverage their expertise when designing the interventions. Strong backing from LabX could contribute to producing positive results.

[1] The Law on Access to Administrative Documents (LADA) approves access to administrative and environmental information and reuse of administrative documents. Lei n.º 26/2016 de 22 Agosto [Act no. 26/2016 of 22 Aug.], https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2016-106603618 (Port.).

[2] Group of States against Corruption (GRECO), *Fifth Evaluation Round Portugal* (Strasbourg: Council of Europe, 10 Jan. 2024), https://rm.coe.int/grecoeval5rep-2022-3-final-eng-evaluation-report-portugal-public/1680ae19a7.

[3] Article 9 of LADA establishes that "Each body or entity referred to in no. º 1 of article 4 [precept that refers to the subjective scope of application of LADA] must designate a person responsible for complying with the provisions of this law, who is responsible in particular for organizing and promoting the obligations of active disclosure of information to which it is linked to the body or entity, monitor the processing of requests for access and reuse and establish the necessary coordination for the exercise of the powers of the Commission for Access to Administrative Documents." In 1993, the first Portuguese law on access to information already foresaw that "each ministerial department, regional secretariat, local authority, institute and public association" has to have an entity responsible for complying with the provisions of the law. Law n.º 65/93 de 26 Agosto [Act no. 65/93 of 26 Aug.], https://diariodarepublica.pt/dr/detalhe/lei/65-1993-632408 (Port.).

[4] Sérgio Pratas (CADA), email to IRM researcher, 14 Jun. 2024.

[5] CADA, "Responsáveis pelo Acesso à Informação – RAI [Responsible for Access to Information - RAI]" (2019), https://www.cada.pt/responsavel-pelo-acesso-a-informacao.

[6] Commitment 7 in Portugal's 2018–2020 action plan intended to use the government open data platform, Dados.gov, to aggregate some of the data required by LADA (e.g., RAI information of all eligible entities) and to produce a guide of best practices for compliance. Commitment 9 in Portugal's 2021–2023 action plan aimed to appoint a focal point in each public entity, and improve awareness about the State Organization Information System (SIOE) web portal.

[7] *Independent Reporting Mechanism Results Report: Portugal 2021–2023* (OGP, 3 Apr. 2024), https://www.opengovpartnership.org/documents/portugal-results-report-2021-2023/.

[8] *Id.*

[9] Sérgio Pratas (CADA), interview by IRM researcher, 8 May 2024.

[10] *Id.*

[11] The evaluation was not yet publicly available at the time of this report, but according to the main author, Sérgio Pratas (CADA), it has been made available to all interested parties including the IRM researcher.

[12] In addition to the foreseen publication of the evaluation report on CADA's and OGP Portugal's websites, Sérgio Pratas mentioned four presentation activities that occurred or were foreseen at the time of writing the IRM report. Nuno Viegas, "Entrevistas: Sérgio Pratas Sobre Acesso a Informação do Estado [Interviews: Sérgio Pratas on Access to State Information]" (Fumaça,7 Mar. 2024), https://fumaca.pt/sergio-pratas-sobre-acesso-a-informacao-do-estado/.

[13] Sérgio Pratas, "A Lei de Acesso aos Documentos Administrativos (LADA). Uma for na lapela da democracia? [The Access to Administrative Documents Law (LADA). The boutonniere of democracy?]" (unpublished manuscript, 2024).

[14] Sérgio Pratas (CADA), interview by IRM researcher, 10 Nov. 2023.

[15] Pratas, interview, 8 May 2024.

[16] The National Association of Portuguese Municipalities (ANMP) covers all 308 municipalities and communes and the autonomous regions of Azores and Madeira. The National Association of Parishes (ANAFRE) represents the 3,091 parishes, the smallest administrative division in Portugal.

[17] Pratas, "A Lei de Acesso aos Documentos Administrativos (LADA). Uma flor na lapela da democracia? [The Access to Administrative Documents Law (LADA). The boutonniere of democracy?]."

[18] Luis Vidigal (PASC), interview by IRM researcher, 12 Apr. 2024; Karina Carvalho (TI Portugal), interview by IRM researcher, 16 Apr. 2024.

[19] Pratas, interview, 8 May 2024.

[20] *Id.*

[21] Vidigal, interview; Carvalho, interview.

[22] *Independent Reporting Mechanism Results Report: Portugal 2021–2023*.

[23] Pratas, interview, 8 May 2024. Additionally, the unpublished manuscript of the evaluation concluded: 1) "the majority of opinions issued are favorable to the plaintiffs' claims;" 2) many complaints are resolved when CADA discusses the request with the public entity, without the need to issue an opinion; and 3) when CADA issues an opinion, there is a high degree of acceptance by the public entities—up to 90% in the last years. Pratas, "A Lei de Acesso aos Documentos Administrativos (LADA). Uma flor na lapela da democracia? [The Access to Administrative Documents Law (LADA). The boutonniere of democracy?]."

[24] Vidigal, interview; Carvalho, interview.

[25] Pratas, interview, 8 May 2024.

[26] Jorge Lagarto and Paulo Francisco (Point of Contact's team at LabX), interview by IRM researcher, 6 May 2024.

[27] *See* OGP, "Serbia: Improving Proactive Transparency – Information Booklet (RS0038)" (accessed 21 Jul. 2024), https://www.opengovpartnership.org/members/serbia/commitments/RS0038/; OGP, "Italy: Transparency (IT0058)" (accessed 21 Jul. 2024), https://www.opengovpartnership.org/members/italy/commitments/IT0058/.

[28] OGP, "Spain: Reform laws related to transparency and access to information (ES0044)" (accessed 21 Jul. 2024), https://www.opengovpartnership.org/members/spain/commitments/ES0044/.

[29] GRECO, *Fifth Evaluation Round Portugal*.

[30] *See* "Compliance with Freedom of Information Act" (OGP, 2022), https://www.opengovpartnership.org/members/united-kingdom/commitments/UK0106/.

[31] *Portugal Action Plan 2023-2027* (OGP, 29 Jan. 2024), https://www.opengovpartnership.org/documents/portugal-action-plan-2023-2027-december/; Sérgio Pepo Ramos (former Point of Contact at AMA), email response to RNAA members, 21 Dec. 2023.

[32] Organizations will be identified by their Tax Identification Number. For individuals, no personal details or identification will be published due to tax confidentiality. Carlos Sousa Guímaro (Tax and Customs Authority), written response to IRM researcher, 3 Jul. 2024.

[33] Vidigal, interview; Carvalho, interview; Carlos Sousa Guimaro (Tax and Customs Authority), written response to IRM researcher, 10 May 2024.

[34] Códigos Tributários: Estatuto dos Benefícios Fiscais [Tax Codes: Tax Benefit Status], https://info.portaldasfinancas.gov.pt/pt/informacao_fiscal/codigos_tributarios/bf_rep/pages/estatuto-dos-beneficios-fiscais-indice.aspx (Port.).

[35] Pedro Engrácia (DGAEP), written response to IRM researcher, 20 May 2024.

[36] In the first phase, a set of information regarding public employment will be made available on the Mais Transparência portal; additional information sets will be developed later. Ramos, email.

[37] *See* recommendations for Commitment 9 (*Independent Reporting Mechanism Results Report: Portugal 2021–2023* at 23–24).

[38] Patrícia Paralta (LabX), email to IRM researcher, 10 July 2024.

[39] General Secretariat of the Presidency of the Council of Ministers (SGPCM), "Serviço Educativo Para A Democracia [Educational Service For Democracy]" (6 Mar. 2024), https://www.sg.pcm.gov.pt/servicos/servico-educativo/.

[40] Lagarto and Francisco, interview.

Section III: Methodology and IRM Indicators

This product is a concise, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM products provided during a national action plan cycle include:
- **Co-Creation Brief:** A concise brief that highlights lessons from previous IRM reports to support a country's OGP process, action plan design, and overall learning.
- **Action Plan Review:** A technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Midpoint Review:** A review for four-year action plans after a refresh at the midpoint. The review assesses new or significantly amended commitments in the refreshed action plan, compliance with OGP rules, and an informal update on implementation progress.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning.

In the Action Plan Review, the IRM reviews commitments using three indicators:

1. Verifiability: The IRM determines whether a commitment is verifiable as written in the action plan. The indicator is assessed as:
- **Yes/No:** Are the stated objectives and proposed actions sufficiently clear and include objectively verifiable activities to assess implementation?
- Commitments that are not verifiable are considered not reviewable, and no further assessment is carried out.

2. Open Government Lens: The IRM determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance. Based on a close reading of the commitment text, the indicator is assessed as:
- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:
- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?

- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform, influence or co-create policies, laws and/or

decisions? Will the government create, enable, or improve participatory mechanisms for minorities, marginalized or underrepresented groups?

Will the government improve the enabling environment for civil society (which may include NGO laws, funding mechanisms, taxation, reporting requirements, etc.)? Will the government improve legal, policy, institutional, or practical conditions related to civic space such as freedom of expression, association, and peaceful assembly that would facilitate participation in the public sphere? Will the government take measures which counter mis- and disinformation, especially online, to ensure people have access to reliable and factual information (which may include digital and media literacy campaigns, fact-checking, or fostering an independent news media ecosystem)?

- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

3. Potential for Results: The IRM analyzes the expected results and potential that would be verified in the IRM Results Report after implementation. Potential for results is an early indication of the commitment's possibility to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area. The indicator is assessed as:
- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites), data releases, trainings, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review focuses its analysis on promising commitments. Promising commitments are verifiable, have an open government lens, and at least a modest potential for results. Promising commitments may also be a priority for national stakeholders or for the particular context. The IRM may cluster commitments with a common policy objective or that contribute to the same reform or policy issue. The potential for results of clustered commitments is reviewed as a whole.

During the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).[1]

This review was prepared by the IRM in collaboration with Ana Revuelta and was externally expert reviewed by Brendan Halloran. The IRM methodology, quality of IRM products, and review process are overseen by IRM's IEP. For more information, see the IRM Overview section of the OGP website.[2]

[1] OGP, "International Experts Panel" (2024), https://www.opengovpartnership.org/about/who-we-are/international-experts-panel/.

[2] Open Government Partnership, "Overview: Independent Reporting Mechanism" (2020), https://www.opengovpartnership.org/irm-guidance-overview/.

Annex 1: Commitment by Commitment Data[1]

Commitment 1: Dissemination and training on transversal portals promoting Open Administration
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 2: Dissemination and training on the Law on Access to Administrative Documents
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Assessment and training on the Law on Access to Administrative Documents
- Potential for results: Modest

Commitment 3: Assessment of the implementation and effects of the Law on Access to Administrative Documents
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Assessment and training on the Law on Access to Administrative Documents
- Potential for results: Modest

Commitment 4: Availability of Tax Benefits on the Mais Transparência Portal
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5: State Organization Structure
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 6: Training and dissemination program for the General Regime for the Prevention of Corruption
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 7: Educational Service for Participatory and Digital Citizenship
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

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¹ **Editorial notes:**

1. For commitments that are clustered, the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Portugal's action plan: https://www.opengovpartnership.org/documents/portugal-action-plan-2023-2027-december/.

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the OGP Participation and Co-Creation Standards that came into force on 1 January 2022.[1] The IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. Action plans co-created and submitted by 31 December 2023 fall within the grace period. The IRM will assess countries' alignment with the standards and their minimum requirements.[2] However, countries will only be found to be acting contrary to the process if they do not meet the minimum requirements for action plans co-created in 2024 and onwards.

Please note that, according to the OGP National Handbook, countries implementing four-year action plans must undertake a refresh process at the two-year mark. Countries are expected to meet minimum requirements 3.1 and 4.1 during the refresh process.[3] IRM assessment of the refresh process will be included in the Results Report.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation?
1.1 Space for dialogue: The National Network for Open Administration (RNAA) was created soon after Portugal joined the OGP and held its first meeting on 15 June 2018. The RNAA comprises seven members from the public sector and three from civil society. It is coordinated by the Administrative Modernization Agency (AMA) and LabX within AMA, currently Portugal's OGP focal point. Its composition and mandate are established in the statutes published on the OGP website.[4] During development of the third OGP action plan, the RNAA met on four occasions (28 August, 13 November, and 11 and 28 December 2023), mostly in virtual format. This was slightly less frequent than foreseen in the statutes (at least every two months). At each meeting, the date for the next meeting was announced. Meeting agendas were shared with RNAA members seven days in advance.[5] Meeting agendas and minutes are published on the national OGP website.[6]	Yes	*To be assessed in the Results Report*
2.1 OGP website: Portugal's OGP website was launched in 2018 and can be accessed at https://ogp.eportugal.gov.pt/, both in Portuguese and English. It contains basic information about the OGP process and activities, RNAA meetings, and a monitoring table for each action plan, including the third. The website also includes information on registering for the OGP mailing list[7] and a button for comment submission.	Yes	*To be assessed in the Results Report*
2.2 Repository: Portugal's OGP website includes a repository that is updated more than twice a year. It offers access to the statutes of the RNAA and the agendas and minutes of RNAA meetings since 2018, which were published after each meeting, without listing publication dates.[8] Some information is available about the development of the third	Yes	*To be assessed in the Results Report*

action plan, and each commitment has a dedicated page to track progress.[9]		
3.1 Advanced notice: Portugal's OGP website published an announcement that the co-creation process would start at the end of June,[10] but did not publish a co-creation timeline with dates or an overview of opportunities for stakeholder participation (including workshops, survey, and final public consultation).	No	Not applicable
3.2 Outreach: Outreach activities were limited. Shortly before taking place, some workshops were announced on the OGP website and partners' websites.[11] Portugal's OGP mailing list offered some outreach to its subscribers (approximately 450 as of December 2023).[12] However, a civil society representative noted that the co-creation process lacked awareness-raising activities to engage the general public and other relevant stakeholders.[13]	Yes	Not applicable
3.3 Feedback mechanism: At RNAA meetings, civil society members were consulted about the action plan. They were able to share feedback on commitment drafts in mid-December. In addition, wider stakeholders were able to take part in three workshops in November 2023[14] and an online survey concerning areas to prioritize for development of commitments. The survey was open for 10 days[15] and received 112 responses.[16] Information about the workshops and the survey was not directly available on the OGP and AMA websites. Finally, AMA held a one-week public consultation to validate the action plan in late December, which did not receive any comments. Interested citizens could also provide input by email or through a comment button on the OGP website, but no comments were reported through those channels.[17] While feedback mechanisms met OGP's minimum requirements, the Point of Contact acknowledged that the final public consultation period was quite short. Civil society representatives also noted that consultation mechanisms were not announced early enough to encourage participation from a wide range of stakeholders and to have significant effect on action plan decisions.[18]	Yes	Not applicable
4.1 Reasoned response: Commitment proposals submitted by PASC / APDSI, TI Portugal, and ANJE are partially mentioned in RNAA minutes, but may not have been discussed or documented in full.[19] Members of the RNAA received a response email from the Point of Contact on 21 December, before the plan was adopted on 28 December. Civil society representatives did not view this email as providing sufficient input on why their proposals had not been included in the action plan. Other stakeholder contributions, such as responses to the survey, were not disclosed and no reasoned response was provided.[20]	Yes	Not applicable
5.1 Open implementation: *The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.*	Not applicable	*To be assessed in the Results Report*

The development of Portugal's third action plan did not meet the minimum requirements of the OGP Participation & Co-Creation Standards as it did not publish a co-creation timeline or overview of opportunities for stakeholder participation. As this action plan undertakes a four-year implementation period, the plan will have a refresh period after two years—an opportunity for stakeholders to reflect on the implementation of the action plan, assess next steps, and determine a way forward to ensure strong ambition and results. The IRM will assess compliance

with minimum requirements 1.1, 2.1, 2.2., 3.1, 4.1, and 5.1 again at this midpoint, after submission of the refreshed action plan. To meet OGP standards during this period, IRM particularly recommends:

- The timeline and the overview of opportunities for stakeholder participation is published on the OGP website well in advance of the start of the refresh period (at least two weeks before).
- LabX/AMA and the RNAA document all stakeholder proposals on the OGP website and report back or publish written feedback to stakeholders on how their proposals were considered during the refresh period, including the criteria used.

[1] Open Government Partnership, "OGP Participation and Co-Creation Standards" (24 Nov. 2021), https://www.opengovpartnership.org/ogp-participation-co-creation-standards/.

[2] Open Government Partnership, "IRM Guidelines for the Assessment of Minimum Requirements" (31 May 2022), https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/.

[3] Open Government Partnership, *OGP National Handbook: Rules and Guidance for Participants* (Mar. 2024) §2.3, https://www.opengovpartnership.org/documents/ogp-national-handbook-rules-and-guidance-for-participants-2022.

[4] Agency for Administrative Modernization (AMA), "Estatutos Para A Rede Nacional De Administração Aberta [Statutes For The National Open Administration Network] (2018), https://ogp.eportugal.gov.pt/documents/48760/55198/AMA_Estatutos_RedeNacionalAdministra%C3%A7%C3%A3oAbe rta_20181114.pdf/01cc597f-3e1f-03ce-78cf-54310ce22477.

[5] Sérgio Pepo Ramos (former Point of Contact at AMA), interview by IRM researcher, 9 May 2024.

[6] Gov. of Portugal and Agency for Administrative Modernization (AMA), "National Network For Open Administration Documentation" (OGP, 2024), https://ogp.eportugal.gov.pt/en/national-open-administratio-network1.

[7] An invitation to sign up for OGP Portugal's mailing list is available at: https://ogp.eportugal.gov.pt/en/signup.

[8] Gov. of Portugal and AMA, "National Network For Open Administration Documentation."

[9] The announcement of the 3rd action plan co-creation process is available on OGP Portugal's website , "Co-Creation - III National Action Plan" Gov. of Portugal and AMA, 2023, https://ogp.eportugal.gov.pt/en/cocriacao-iii-plano-de-acao-nacional. Monitoring of the 3rd action plan and of each commitment can be accessed at: https://ogp.eportugal.gov.pt/en/iii-panna.

[10] *Id.*

[11] For instance, the workshop organized by PASC, APDSI, and AMA on 21 November 2023 was advertised on PASC's website. Given the RNAA's limited composition with only three civil society organizations, entities outside the RNAA were included as partners for some commitments. This slightly expanded the list of actors involved in the OGP process (*see* Commitments 1, 2, 3, and 5).

[12] Ramos, interview.

[13] Karina Carvalho (TI Portugal), email to the Point of Contact/RNAA, 21 Dec. 2023.

[14] Ramos, interview.

[15] The survey on PASC's website is available at: https://pasc.pt/2023/11/14/iii-plano-da-rede-nacional-de-administracao-aberta-2024-2027/. The survey on AMA's website is available at: https://www.ama.gov.pt/web/agencia-para-a-modernizacao-administrativa/noticias2016?p_p_id=101_INSTANCE_JmTXTfCdm5fe&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_JmTXTfCdm5fe_delta=5&_101_INSTANCE_JmTXTfCdm5fe_keywords=&_101_INSTANCE_JmTXTfCdm5fe_advancedSearch=false&_101_INSTANCE_JmTXTfCdm5fe_andOperator=true&p_r_p_56423 3524_resetCur=false&_101_INSTANCE_JmTXTfCdm5fe_cur=8#popup10762260a-b2b2-4e19-906f-c01341d657da.

[16] Ramos, interview.

[17] *Id.*

[18] *Id.*; Luis Vidigal (PASC), interview by IRM researcher, 12 Apr. 2024; Karina Carvalho (TI Portugal), interview by IRM researcher, 16 Apr. 2024. In Portugal, there is no mandatory requirement for consultation with the general public for laws initiated by the parliament. Therefore, the government does not usually inform the public that a consultation is planned and policy makers don't usually provide a public response to consultation comments (*See* OECD, "Regulatory Reform" (2024), https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf.) The

IRM did not note any notable changes in the OGP process when compared to common practice on consultation mechanisms.

[19] Agency for Administrative Modernization (AMA), "XXV Reunião Rede De Administração Aberta [XXV Meeting Open Administration Network]" (OGP, 28 Dec. 2023), https://ogp.eportugal.gov.pt/documents/48760/0/Ata_XXV+Reuni%C3%A3o+RNAA_28122023+%282%29.pdf/6fefaf0c-2014-33ab-65da-5ae19130d9d7.

[20] Ramos, interview.