



# Public access is work in progress

Recommendations for a new  
Cabinet on the implementation  
of the Open Government Act

Established in May 2022, the Advisory Board on Public Access and Information Management (*Adviescollege Openbaarheid en Informatiehuishouding; ACOI*) has been charged with the task of promoting access to government information for all under the Open Government Act (*Wet open overheid; Woo*).

It does so by providing the Cabinet and Parliament with advice on request and on its own initiative, by issuing guidance and enhancing knowledge of practical implementation and, in individual cases, by acting as an intermediary between government organisations and journalists or other parties with a professional interest making a request under the Open Government Act.

### **Composition**

The Advisory Board is composed of the following Board members: Ineke van Gent (Chair of the Advisory Board), Martin Berendse, (Vice-Chair), Caroline Koetsenruijter, Serv Wiemers and Jamila Aanzi. The Board is supported by a secretariat headed by Secretary/Director Lydia Bremmer.

More information about the Advisory Board can be found at [www.acoi.nl](http://www.acoi.nl) (in Dutch only).

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Essence:

# Actively start working towards implementation of the Open Government Act

Important topics in the formation of the new Cabinet are the proper functioning of the government and politics, the governance culture and especially trust between citizens and the government.<sup>1</sup> Many election programmes covered these topics, but they hardly established a link with the archiving of and public access to government information. This is a missed opportunity, as sound information management is a precondition for legitimate government action, an 'active memory' and public accountability. Also, access to government information for all is essential for participation in society, public control and restoring trust.<sup>2</sup>

The legal basis is there, in the Open Government Act (*Wet open overheid*; Woo), supported by the modernisation of the Public Records Act (*Archiefwet*). The stagnating implementation has prompted proposals to amend the Open Government Act<sup>3</sup> or draft an entirely new Information Act.<sup>4</sup> However, at this stage this is not a good idea – we first need to take some firm steps in practice. In about five years' time, we could study the lessons learned and the new insights gained to decide whether more legislation is needed.

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- 1 The Netherlands Institute for Social Research asked respondents which issues a new Cabinet should address first. According to this [survey of the Netherlands Institute for Social Research of 24 October 2023](#), the performance of politics heads the list with 25% of votes, followed by social and economic security, the climate, the housing market and the care sector.
  - 2 See also *Koester de democratie! Een dringende oproep om de democratische rechtsorde weer voor iederéén te laten werken* ('Cherish democracy! An urgent appeal to transform the democratic legal system to the benefit of all'). Report of the Advisory Committee on Strengthening the Resilience of the Democratic Legal System, November 2023, p. 106.
  - 3 See a few proposals in *Invoeringstoets Wet open overheid* ('Open Government Act Implementation Review') of research agency SEO (November 2023), commissioned by the Ministry of the Interior and Kingdom Relations.
  - 4 See the initiative for a [General Information Act](#) of the Government Commissioner for Information Management.

**This is why the Advisory Board on Public Access and Information Management strongly advises the new Parliament and the new Cabinet to focus its energy in the years ahead on implementing the Open Government Act. This is not a simple chore, but an issue to be addressed at the top level. Below, we have listed four steps for an approach that will have a lasting effect.** The first three steps must be taken by each and every government organisation; the last step translates political will into ownership at the national level.

1. *Make sure that information is retained and destroyed in a controlled way.*  
This should be based on clear choices laid down in the public selection lists (under the Public Records Act).
2. *Substantially increase the amount of government information that is actively disclosed.* Not only the information in the few mandatory categories stated in the Open Government Act, but also and especially information about topics that are on many people's minds, whether at a national or local level.
3. *Be transparent when handling requests made under the Open Government Act* (Wet open overheid; Woo). This calls for rapid and open consultation with requesting parties and clarity about the process.  
The process should also be laid down in a public guideline. This is particularly important for sizeable and ambiguous Woo-requests.
4. *Appoint a National Coordinator* who will execute, or help execute, this government-wide approach, under the political responsibility of the ministers of the Ministry of the Interior and Kingdom Relations and the Ministry of Education, Culture and Science.

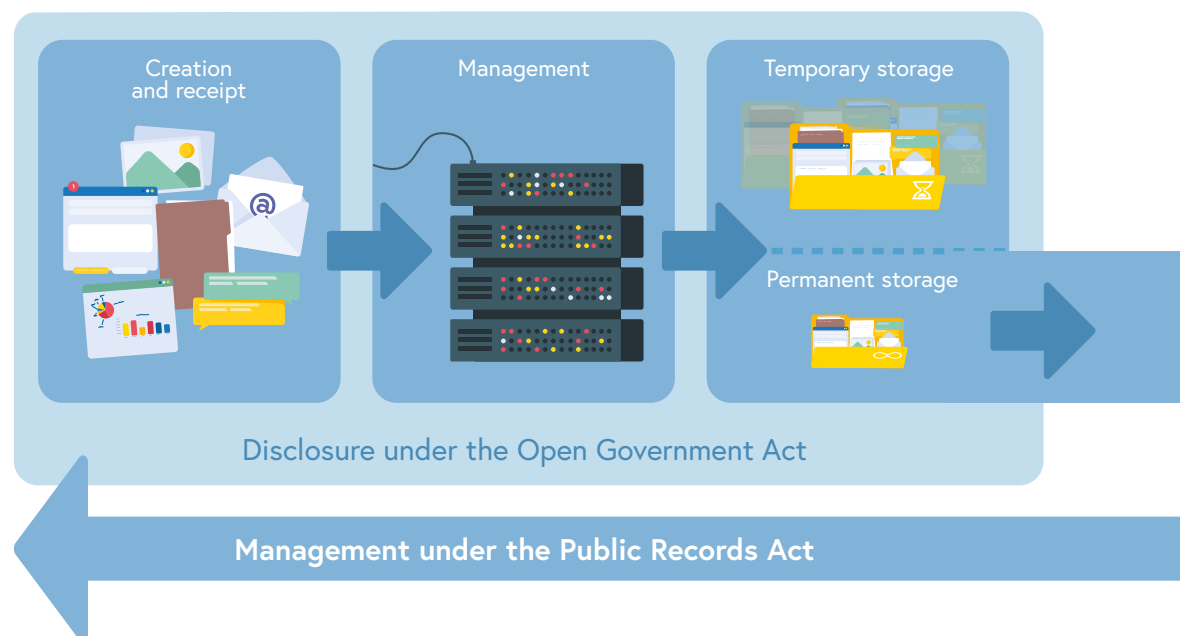
The main recommendation here is to engage in conversation with journalists, researchers and the citizens involved. Jointly identify their information requirements and discuss how these are best met. Then we will discover how well public access can contribute to our government's performance, and to the restoration of public trust.

Starting point:

# Government information belongs to us all

Government information belongs to us all. It is at the heart of a functioning democracy. A poignant example was the childcare allowance affair. If memorandums warning of the problem had been issued earlier and if victims' files had been in order, the injustice would not have lasted for so long. Data sharing is also crucial in addressing major social issues, e.g., in the areas of housing, the climate, healthcare and social and economic security – not only for the government, but also for companies and citizens. More generally, public access to government information makes it easier for everyone to participate in society and democracy: representatives of the people<sup>5</sup>, journalists, researchers and all other citizens. In short, access to government information for all is needed if we are to identify problems, propose solutions and hold the government to account.

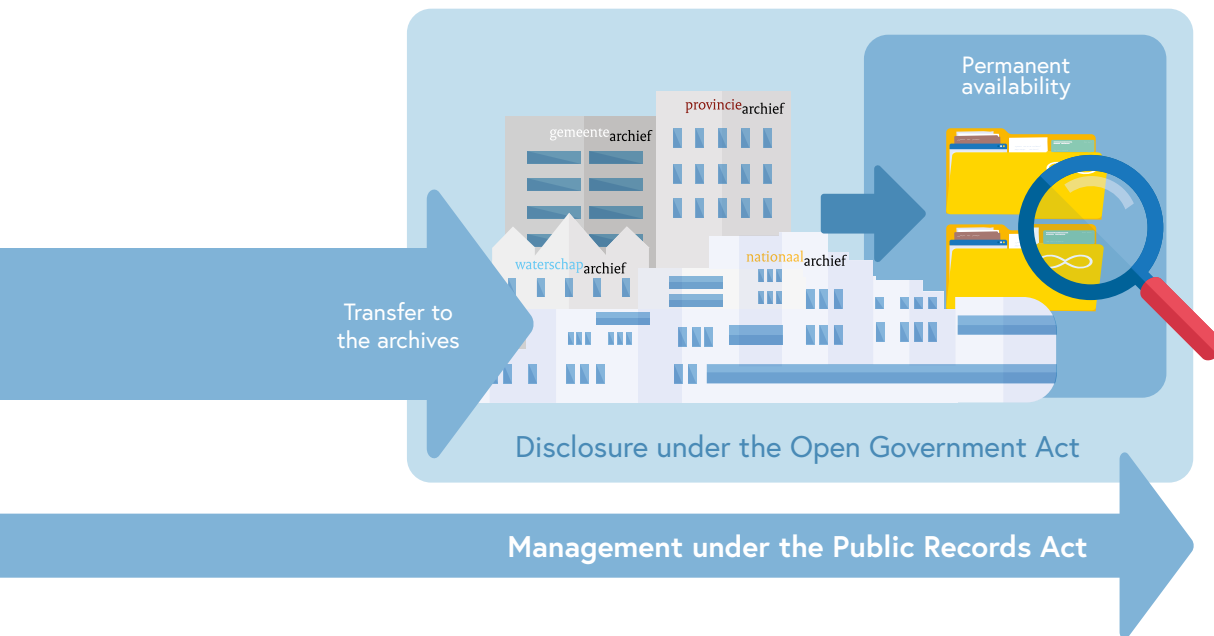
Figure 1: Connection between the Open Government Act and Public Records Act



5 The Cabinet's provision of information to Parliament is not regulated in the Open Government Act, but in Article 68 of the Constitution. At the local and regional levels, the obligation for public administrators to provide the representatives of the people with information is regulated in Section 167 of the Provinces Act (*Provinciewet*), Section 169 of the Municipalities Act (*Gemeentewet*) and Section 89 of the Water Boards Act (*Waterschapswet*).

The right to access government information is recognised internationally. In the Universal Declaration of Human Rights (Article 19) and the European Convention on Human Rights (Article 10), this follows indirectly from the right to freedom of expression, which includes the freedom to receive and impart information and ideas. The Dutch Constitution lays down both freedom of expression (Article 7) and openness of administration (Article 110).

In the Netherlands, the right to access government information is set out in the Open Government Act. The Public Records Act also applies, specifically to information available at the National Archives and the decentralised archiving services. This Act also requires the government to effectively manage information throughout its life cycle. Figure 1 shows the connection between these two Acts.





Problem:

# Implementation of the Open Government Act is stagnating

The Advisory Board has found that many government employees work hard on implementing the Open Government Act – which includes the publication of research reports, annual reports and other documents that government organisations are required to actively disclose – and on exploring ways to improve and speed up the process of handling requests made under the Open Government Act. Action plans have also been drafted to improve information management.

Despite all these efforts, the government is not living up to the promises of the Open Government Act. A number of matters testify to this:

- Active disclosure hardly gets off the ground.<sup>6</sup>
- The statutory time limits for requests made under the Open Government Act are often exceeded.<sup>7</sup>
- Journalists wait for too little information for too long and complain about a lack of proper contact regarding their requests under the Open Government Act.<sup>8</sup>

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6 See also *ACOI recommendations regarding the progress of the active disclosure of government information*. July 2023. Letter to the Minister of the Interior and Kingdom Relations.

7 This is mainly an issue at the central government. The *2022 Annual Report – National Government Operations* states that in 2022 61.2 per cent of information requests sent to the ministries were handled after the statutory or agreed time limit. Municipal authorities, provincial authorities and water authorities are more successful in complying with the statutory time limits. See the reports of the Association of Netherlands Municipalities, the Interprovincial Consultation and the Association of Regional Water Authorities published by the Advisory Board in September 2023. See also *Matglas; Onderzoek naar de invoering van de Wet open overheid* ('Frosted glass; Study of the implementation of the Open Government Act'; March 2023) of the Open State Foundation and Instituut Maatschappelijke Innovatie. According to this study, the weighted average percentage of requests handled after the time limit was 83 per cent in 2022, disregarding the permitted extension for third-party views and postponements agreed with the requesting parties.

8 See *Aanbevelingen van het Adviescollege naar aanleiding van het onderzoeksrapport 'Een jaar Woo: Hoe doet de overheid het volgens journalisten?'* ('Recommendations of the Advisory Board in response to the study report 'The Open Government Act's first anniversary: How is the government doing according to journalists?'). October 2023.



The Advisory Board believes that a vicious cycle of a lack of power, a lack of skill and a lack of will is impeding implementation.

#### **Lack of power: no one has a grip on digital information management**

The government is struggling with the impact that digitalisation has on information management. For a long time, this seemed to be no more than an archiving problem, but it has now become clear that disclosure is also affected. Digitalisation has prompted explosive growth in the amount of government information, which is found in countless systems and applications and is distributed through all sorts of channels. A single civil servant now receives and shares more information in a week than previously in a year. Ensuring that all this information remains findable and usable is a never-ending challenge.<sup>9</sup> This very digitalisation has fuelled expectations among representatives of the people, journalists and citizens of the government being able to supply the requested information at the push of a button. However, that is not how it works in practice. Whenever someone submits a request under the Open Government Act, the ugly truth surfaces. Then it turns out that it takes a lot of time to find the right documents in a disorderly information system. In some cases, no fewer than thousands or tens of thousands documents are retrieved – documents that government employees all need to assess conscientiously for relevance, overlap (copies, different versions) and public access.

#### **Lack of skill: specialists are not correctly positioned**


Over the past 25 years, the traditional information professions at the government have been made redundant due to cutbacks without these being replaced by trained people with knowledge of digital developments. The process was based on the idea that every government employee could be his or her own archivist in their digital workspace, but this has proven overly optimistic, including in technical terms. The same holds true for requests made under the Open Government Act; Not every employee can assume this duty in addition to their regular work. Only now is the government recruiting a new crop of information specialists, lawyers, contacts under the Open Government Act and other specialist staff. These people will only make a difference if they work together across disciplines *and* occupy a strong position within the organisation.

#### **Lack of will: no open governance culture exists at this time**

Public access is not yet embedded in every government organisation's DNA, as is apparent from the government's ambivalent actions regarding public access. All ministries now voluntarily publish their official decision memorandums online, but they mostly publish only the final memorandum for the minister before signing a Paper to be sent to the House of Representatives. Such a final memorandum generally gives only a limited picture of the considerations and doubts included in earlier official

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<sup>9</sup> See also the preliminary reports of the Information and Heritage Inspectorate, the Association of Netherlands Municipalities, the Interprovincial Consultation and the Association of Regional Water Authorities on the government's digital information management. September 2023. Written at the Advisory Board's request.



opinions. At the same time, ministries are refusing to publish the drafts of Parliamentary Papers, reports and memorandums as this would allegedly lead to "public debates about imperfections".<sup>10</sup> Some of them use the new ground for exception in the Open Government Act – intended to protect 'the proper functioning of the State' – as an excuse to black out information in documents.

### A vicious cycle

In summary, public access and information management continue to be very minor items on the administrative agenda. People still seem to regard them as tedious 'chores' and overhead rather than as the basis for sound and transparent public governance. As a result, incidents, critical reports and initiatives for improvement follow one another in rapid succession, but the effects of these steps towards improvement always fade away or remain in limbo.<sup>11</sup> And because implementation continues to be a challenge, it is hard for the various parties to keep finding the will to turn the Open Government Act into a success. This is how the vicious cycle of a lack of power, a lack of skill and a lack of will sustains itself.

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10 *ACOI Advies n.a.v. bemiddeling tussen een journalist en het ministerie van Volksgezondheid, Welzijn en Sport* ('ACOI Advisory Report in response to its intermediary activities for a journalist and the Ministry of Health, Welfare and Sport'), p. 10. April 2023. For the response, see the letter from the Minister of Health, Welfare and Sport to the House of Representatives containing a policy response to the ACOI's advisory report on the handling of requests under the Open Government Act by the Ministry, 1 July 2023. House of Representatives, session year 2022-2023, 25 295 and 32 802, no. 2059.

11 *Groundhog day. Recurring patterns in 35 years of work on improving the government's digital information management*. ACOI study report. January 2023.

Solution:

# Four steps towards improved implementation of the Open Government Act

How do we break this vicious cycle outlined above and how can we make a success of the Open Government Act? It is obvious that the process starts with the will to make a change, closely followed by the ability to make a change and by the actual change itself. Below, we have listed four steps that we believe will facilitate improved implementation of the Open Government Act.

## 1 Make sure that information is retained and destroyed in a controlled way

In the digital age, government organisations have to make clear choices to ensure that the exponentially growing flows of information remain manageable. The Public Records Act provides a tool for this, i.e. the selection lists. These lists should clarify what information a government organisation retains indefinitely and what information it destroys after some time.<sup>12</sup> If and when government organisations actually apply the retention periods to all flows of information, they regain an overview of information management and facilitate disclosure. We have listed below what is needed to achieve this.

### Make sure that the selection lists reflect digital reality

The power of selection lists lies in the fact that they are public and are created in consultation between government organisations, their archivists at the archiving services and independent experts representing society.

For selection lists to be productive, they must be up to date and reflect the reality of a digital way of working. The current selection lists state the retention period of documents in a specific work process, such as 'legislation', 'budget' or 'appointments'.

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12 The retention period depends on the value that categories of documents have for the organisation's own operations and public accountability, as proof of citizens' rights and obligations, and for research and historiography. Once the retention period has expired, the documents in that category must be destroyed. Only information that is to be retained indefinitely is transferred to the public archiving service within 20 years (or, when the new Public Records Act enters into force, after 10 years).

Currently, retention and destruction on the basis of such a classification by work process is only truly possible for formal and final documents stored in the document management systems.<sup>13</sup> That is why additional selection policies should be adopted for other flows of information, such as e-mails, chat messages and drafts. The box below states how the government could proceed in this respect.

### **Apply the retention periods of the selection lists**

Rather than being a dead letter, selection lists should be applied in practice – and that is where it presently goes wrong. To start with, a great deal of information is poorly managed and, as a result, is not 'sustainably accessible' (*duurzaam toegankelijk*), in the words of the new Public Records Act and the Open Government Act. Moreover, digital files whose retention period has expired are hardly cleaned up, if at all.<sup>14</sup> Here, too, the government faces a substantial challenge. The controlled destruction of information that no longer has any value is in fact a way for the government to retain a grip on its information management.

Information to be retained indefinitely should be transferred to the archiving services in a timely fashion to allow them to take over management and make the information available to all. The new Public Records Act, which is currently debated in the House of Representatives, is a leap forward in this respect. The bill provides that government authorities must transfer information that is to be retained indefinitely to the archiving services after 10 years instead of 20 years.<sup>15</sup>

### **Examples of choices to be made in information management (selection)**

- For chat messages, the Advisory Board advised the following in its advisory report "Kan dit weg? Nee" ('Can we delete this? No'): make automated copies of the full chat conversations on the phones of ministers, state secretaries and top officials and transfer them to a management system of the organisation. As these chat messages are important for reconstructing decision-making, this way they can easily be retrieved when requests are made under the Open Government Act. Another recommendation was that the other civil servants

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13 A document management system is a database used to store documents that can be retrieved based on features (metadata) such as the author, title, description, date, category and status. Case management systems, by contrast, record structured work processes and link the steps in these processes to documents. A combination of the two is seen more and more frequently.

14 Preliminary reports of the Information and Heritage Inspectorate, the Association of Netherlands Municipalities, the Interprovincial Consultation and the Association of Regional Water Authorities on the government's digital information management. September 2023. Written at the Advisory Board's request.

15 See also *Letter from the ACOI to MPs about continuing the modernisation of the Public Records Act*. September 2023.

can leave their chat messages on their phones or delete them as they prefer. These messages are of minor importance, including for requests made under the Open Government Act.

- For the archiving of e-mail, national government policy has been on the shelf for years, waiting to be implemented.<sup>16</sup> Essentially, it is insufficiently effective to manually store e-mails in the relevant files in the document management system. That is why e-mail inboxes should be stored in their entirety as an additional measure. Permanent retention only applies to key officials; a retention period of 10 years applies to everyone else.
- No selection policy has been made for drafts of official documents. It should be considered permanently retaining only those document drafts that reach the decision-making persons and bodies and to destroy all other drafts fairly quickly.

### Modernise civil servants' digital workplace

A precondition for the controlled retention and destruction of government information is that civil servants are provided with a more modern digital workplace that supports both archiving and employees working together on and with the same information. The Government Commissioner for Information Management rightly identified this as a primary concern.<sup>17</sup> Many document management systems the government currently uses to create digital files are outdated and not user-friendly, leading civil servants to revert to unmanaged network drives and to send countless documents or document drafts by e-mail. Making a selection then is like mopping with the faucet open= as they say in the Netherlands.

## 2 Substantially increase the amount of government information that is actively disclosed

The Advisory Board believes that the expansion of active disclosure should be accelerated. A government that has transparency in its DNA does not wait until it receives questions but is open by design, which is why active disclosure is a crucial part of the Open Government Act. By publishing government information directly on the internet, the government contributes to an equal information position for all.

<sup>16</sup> *E-mailarchivering: monitor overheidsinformatie 2021-2022. Resultaten van 287 zorgdragers van de centrale overheid.* ('E-mail archiving: government information monitor 2021-222. Results of 287 responsible authorities of the central government'). Information and Heritage Inspectorate.

<sup>17</sup> *Informatiehuishouding, de postkoets met hulpmotor. Rapportage en speerpunten van de Regeringscommissaris Informatiehuishouding* ('Information management, the motorised stagecoach. Report and primary concerns of the Government Commissioner for Information Management'). May 2023.

This calls for the following two actions:

- *Put Section 3.3 of the Open Government Act into effect*  
Section 3.3 will require the government to publish documents in a number of categories, such as covenants and annual reports. On top of this, the Minister of the Interior and Kingdom Relations should establish a term and standards for publication to ensure that the documents can be found and used by all, now and in the future.<sup>18</sup>
- *Actively disclose far more information on a voluntary basis*  
In line with Section 3.1 of the Open Government Act, the government should actively disclose far more information of its own accord. It would make sense to do this particularly for topics that are the subject of substantial public debate at the national, regional or local level. Some government organisations are already setting a good example, such as Amsterdam regarding ground lease and the Ministry of Agriculture, Nature and Food Quality regarding the negotiations about an agricultural agreement.<sup>19</sup> It is obvious that the policy on open government data (aimed at reusing data) and transparent algorithms should be expanded as well.

An additional advantage is that as the amount of information actively disclosed increases, the number of requests submitted to government organisations under the Open Government Act is likely to decline and these requests are likely to be more specific.

Although the ultimate aim is to significantly reduce the distinction between active and passive public access, people will always have information needs that may be greater or more specific than, or different from, those that can be met by direct active public access, and some information can only be fully disclosed after some time because grounds for exception apply. This means that the option to submit a request under the Open Government Act remains relevant. This is the subject of the next recommendation.

### **3 Be transparent when handling requests made under the Open Government Act**

The Advisory Board believes the guiding principle should be that a request made under the Open Government Act is not a tedious chore or a threat, but a request for collaboration on a topic of public interest. This calls for rapid and open consultation with requesting parties and clarity about the process. The process should also be laid down in a public guideline. This is particularly important for sizeable and ambiguous requests under the Open Government Act. Below, we have described these aspects of a transparent process.

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<sup>18</sup> Letter from the ACOI to the Minister of the Interior and Kingdom Relations on the progress of active disclosure. June 2023.

<sup>19</sup> See [www.landbouwakkoord.nl](http://www.landbouwakkoord.nl).

### **Ensure that open consultations can be held at short notice**

Assign the general responsibility for both passive and active public access to an official appointed under the Open Government Act who is firmly and independently positioned between the organisation and citizens who wish to receive information. He or she must break the crisis of confidence.<sup>20</sup>

Moreover, make sure that every individual requesting party has a designated contact who schedules a meeting at short notice, asks additional questions where necessary to determine the information needs and keeps the requesting party updated on the progress.

The designated contact also clarifies which documents may be relevant to the requesting party. Only then can the requesting party indicate whether, for example, the formal and final documents are sufficient for their purposes. They can also assess together what value the requesting party attaches to other types of information, such as e-mails and drafts, and whether an initial selection can be made to include only e-mails and drafts that have reached decision-makers within the organisation.

### **Create clarity about the process by drafting a public guideline**

It is important that all parties submitting requests under the Open Government Act know what they can expect of the government and, conversely, what the government needs from them to properly handle requests. Therefore, prepare a guideline on the steps in the process and publish it on the internet. The guideline should in any event describe how the organisation:

- gathers relevant documents, including the use of search terms and search technology;
- provides the requesting party with an overview of documents ('inventory');
- assesses what can or cannot be disclosed;
- arrives at possible phases for disclosure;
- involves individual requesting parties in the process and the choices made;
- gives journalists and researchers the opportunity to access documents on a confidential basis.

Next year, the Advisory Board will provide the details of its ideas for a transparent process in the requested response to the Open Government Act implementation review. The Board would also be happy to discuss this with the ministers and state secretaries of the Ministry of the Interior and Kingdom Relations and the Ministry of Education, Culture and Science and with representatives of journalism, academic research and civil society organisations.

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<sup>20</sup> See page 4, first paragraph.

### **Make sizeable requests manageable in consultation with the requesting party**

Government organisations presently struggle to handle sizeable requests made under the Open Government Act within the statutory time limits. Such requests cover a wide topic and an extended period and involve an extremely large number of documents. In the worst case, the tendency to resolve these situations behind the scenes leads to postponement, culminating in court proceedings and high penalties for non-compliance. In the 'best' case, it leads to a lot of work without the certainty that the requesting parties will be satisfied with the result.<sup>21</sup>

The problems surrounding sizeable requests have prompted proposals to amend the Open Government Act in such a way as to limit citizens' rights to information.<sup>22</sup> The Advisory Board believes this is not advisable and not necessary, either. The transparent process outlined above – of collaboration based on a public guideline – is a better solution, which is also in line with Section 4.2a of the Open Government Act as it addresses both the support provided by the government and the reasonableness expected of the requesting party.

A survey conducted by the Advisory Board and the cases in which the Advisory Board has acted as an intermediary reveal that most journalists are willing to join the discussion about how to define limits and phases for their information requests and about an extension of the time limit for handling requests.<sup>23</sup> The Advisory Board has not surveyed other users of the Open Government Act, but expects them to benefit from easy and open contact and a clear process as well.

### **Apply grounds for exception only when absolutely necessary**

The essence of the Open Government Act is the principle 'disclose, unless'. A transparent process entails that the government applies the grounds for an exception to disclosure only when this is absolutely necessary, i.e. it is to black out far less information. Although due care is important, the Advisory Board is under the impression that the workload of blacking out information is a reason for the government to fully refuse the disclosure of drafts, for example, while relying on policy intimacy or the State's proper functioning.

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21 *ACOI Advies n.a.v. bemiddeling tussen een journalist en het ministerie van Volksgezondheid, Welzijn en Sport* (ACOI Advisory Report in response to its intermediary activities for a journalist and the Ministry of Health, Welfare and Sport). April 2023.

22 *Letter from the Minister of the Interior and Kingdom Relations on the implementation of motions and commitments related to the Open Government Act*, 17 July 2023. House of Representatives, session year 2022-2023, 32 802, no. 73. See also a few proposals in *Invoeringstoets Wet open overheid* ('Open Government Act Implementation Review') of research agency SEO (November 2023), commissioned by the Ministry of the Interior and Kingdom Relations.

23 *Aanbevelingen van het Adviescollege naar aanleiding van het onderzoeksrapport 'Een jaar Woo: Hoe doet de overheid het volgens journalisten?'* ('Recommendations of the Advisory Board in response to the study report 'The Open Government Act's first anniversary: How is the government doing according to journalists?'). October 2023.



The Advisory Board also emphatically advises that it should be considered whether the government's interests outweigh the interest of public access. If they do not, the government should swim rather than dive. If the information requested is older than five years, under the Open Government Act public access must always carry the most weight.

If a government organisation needs to ask third parties whether they consent to disclosure, our advice is: keep it short and simple. Do not wait endlessly for their views, but set a time limit of one week. If they do not respond, this may be interpreted as consent.

#### **4 Appoint one of the ministers and state secretaries of the Ministry of the Interior and Kingdom Relations and the Ministry of Education, Culture and Science as National Coordinator**


A successful implementation of the Open Government Act requires the public administrators of all government organisations to take the steps described above. They should do so in the same way as far as possible, to ensure that information can flow smoothly between the various government organisations and all Dutch citizens. As the political will to do this should also be translated into ownership at the national level, the Advisory Board advocates the appointment of a National Coordinator who reports to the ministers of the Interior and Kingdom Relations and of Education, Culture and Science.

Currently, the approach is fragmented. Since the childcare allowance affair, the central government has been executing a multi-year plan to improve information management, which will be supplemented with public access later.<sup>24</sup> The plan also covers the action plans of the ministries and their implementing agencies. The Association of Netherlands Municipalities, the Interprovincial Consultation and the Association of Regional Water Authorities have their own action plans that meet the needs of their members. Finally, in the past two years a temporary Government Commissioner for Information Management reporting to the Minister of the Interior and Kingdom Relations has acted as a driving force and a figurehead.

Plans, powers and implementation should converge in the next four to eight years. Political responsibility in this respect lies with the Cabinet, in particular with the ministers of the Interior and Kingdom Relations and of Education, Culture and Science. Given the extent of the task, the Advisory Board recommends that these ministers

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<sup>24</sup> Under the Open Government Act, an update for 2024-2025 has recently been published on which the Advisory Board will provide advice. The Advisory Board has also been asked to respond to an evaluation of the position of Government Commissioner for Information Management.



jointly appoint a National Coordinator. A top official, the National Coordinator controls the substance as well as the execution of a multi-year plan to strengthen public access and information management in conjunction and across the government. Being given a strong mandate, this person is to break the vicious cycle of a lack of power, a lack of skill and a lack of will, while also establishing a link with the more general agenda intended to create a digital and responsive government. The box below lists some of the duties that are part of this mission.

The National Coordinator will be supported by existing policy departments of the Ministry of the Interior and Kingdom Relations and the Ministry of Education, Culture and Science as well as their implementing organisations, such as the Netherlands Standardisation Forum, Logius, Doc-Direkt and the National Archives. The multi-year plan will be funded using the resources of the current multi-year plan of the central government and the regular budgets of participating government organisations.

#### The National Coordinator's duties

- Controls the substance as well as the execution of a government-wide multi-year plan for public access and information management, as referred to in the Open Government Act (the temporary Chapter 6).
- Supports improvements in organisations of the central government.
- Works closely with the Association of Netherlands Municipalities, the Interprovincial Consultation and the Association of Regional Water Authorities and provides them with the resources they need to support their members.
- Uses powers of ministers to make arrangements, standards and the use of general facilities binding on the government.<sup>25</sup>
- Makes sure that solutions (models, standards and software) are widely available and that a designated party is responsible for updates at all times.
- Encourages government organisations to design user-friendly digital workplaces. This will in any event be a shared workplace for the ministries.

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25 Especially the powers of the Minister of the Interior and Kingdom Relations under the Open Government Act, the Coordination Decree (*Coördinatiebesluit*), the CIO System Decree (*Besluit CIO-stelsel*) and the Autonomous Administrative Authorities Framework Act (*Kaderwet zelfstandige bestuursorganen*), and the powers of the Minister of Education, Culture and Science under the Public Records Act (including duties for the State archivist and the Information and Heritage Inspectorate). Some powers only affect the ministries, their implementing services and autonomous administrative authorities, whereas others extend to municipal, provincial and water authorities.

- Promotes that government organisations follow the advice of the Advisory Board on Public Access and Information Management and the directions given by the Information and Heritage Inspectorate.<sup>26</sup>
- Encourages innovation and the use of innovations in the fields of public access and information management in concert with knowledge institutions and technology companies.
- Reports on the substantive progress and effects of the multi-year plan and the deployment of resources.

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26 The Inspectorate supervises compliance with the Public Records Act by the central government's bodies. Supervision of information management by municipal, provincial and water authorities is exercised by their 'own' archivists.



# Conclusion

In this report, the Advisory Board has set out an agenda for the proper implementation of the Open Government Act and for those parts of the Public Records Act that are essential to this end. We expect all public administrators to shoulder this responsibility and continue to make joint efforts towards an open and transparent government. Likewise, we expect them to continue to invest in the recruitment of various types of information specialists and in an interdisciplinary range of training courses and refresher courses – after all, public access is work in progress. The same goes for information management; this, too, mainly hinges on the will to make a change, the ability to make a change and the actual change being made.

