Report on

National Workshop on Promoting the Right to Information and

Open Government Data in Federal Nepal

Organized By

Freedom Forum & The Data for Development Program Implemented by

The Asia Foundation& Development Initiatives

Report By Freedom Forum

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BACKGROUND AND SUMMARY

With the promulgation of the new Constitution and the successful three-tier elections, Nepal's federalization has taken shape with federal, 7 provincial and 753 local governments now in place. The aspiration for change- improvements in the sharing of information and data in open format for evidence based policy making, transparency and accountability and promote an informed and vibrant citizenry- is high.

The Right to information (RTI) is one of the important citizen tools in helping to make the three levels of governments deliver effective public services, maintain transparency and abide by open data practice. The introduction of RTI under Article 27 in the Constitution of Nepal makes it a fundamental right of citizens. The separate RTI Act 2064 and Regulation 2065 have made this right more concrete with the protection of whistleblowers and the requirement of proactive disclosure by the public agencies as the notable provisions of this Act and Regulations. Open Government Data is a more recent concept that involves the proactive release of important public datasets in a format that can be easily accessed, shared and used by citizens. Along with RTI it is also a critical feature of effective access to information.

Against this background, Freedom Forum along with the Data for Development Program implemented by The Asia Foundation in partnership with Development Initiatives and funded by the Department for International Development (DFID) of the UK Government organized a day long national workshop entitled "Promoting The Right to Information and Open Government Data in Federal Nepal" in the capital city Kathmandu on March 23, 2018. The event brought together 111 persons, fostering debate on the importance of the Right to Information and Open Government Data (OGD)[1] in the federal system of Nepal and igniting the stakeholders to cooperate with each other for strategic synergies in the days ahead.

Workshop participants included representatives of the Federal Government of Nepal (the Prime Minister's Office, National Information Commission, Central Bureau of Statistics), civil society working in RTI and open data, research and academia among others. Presenters and participants not only shared their knowledge on RTI and open data practices, but also advocated with the NIC and government bodies to be more active to promote RTI and open data practices in view of the growing roles of the provincial and local governments in the changed system.

Right To Information and Open Data Global Indices

- **Open Government Partnership:** Nepal has a score of 13 out of 16 points making it eligible to join and scores 4 out of 4 points for access to information.
- **Open Budget Survey 2017**: Nepal currently ranks 43 out of 153 countries in the Open Budget Survey.
- **Open Data Barometer 2016**: Nepal ranks on 83 out of 114 countries falling within the bottom 25 percent of terms of readiness, implementation, and impact of open data initiatives.
- **Global Open Data Index 2016/2017:** Nepal ranks 69 out of 94 countries with 20 per cent openness
- **Local Open Data Index Nepal 2015:** Measured the openness of key data published by the Nepal Government in 10 Metropolitan Cities i.e. Kathmandu, Bhaktapur, Butwal, Chitwan, Dolakha, Dhading, Hetauda, Kavre, Lalitpur, and Pokhara.The datasets survey were the Annual Budget, Procurement Contracts, Crime Statistics, Business Permits, Traffic Accident, and Air Quality. The largest municipality and the capital of Nepal – Kathmandu – ranked highest, followed by Pokhara and Chitwan.

In the opening of the workshop, Ms. Tirza Theunissen, Program Co-Manager of the Data for Development Program implemented by The Asia Foundation together with Development Initiatives said, "*In the context of federal Nepal, information and open data- the data that can be used and re-used - are critical to support federal, provincial and local governments in making evidence-based decisions on planning and resource allocations.*" She underscored that access to reliable and accurate information and open data is also critical for citizens, media, and civil society organizations to be able to track local development progress and to enable them to take part in local level decision making and hold their locally elected leaders to account

Executive Chief of Freedom Forum, Mr. Taranath Dahal, said the program was organized to promote RTI and OGD to ensure the rights of the people to be informed, easing their access to data, statistics and documents from all three tiers of the government in the context of changed state structure. "*We believe that adoption of transparency, openness and accountability principles with high priority by those governments in their structures, policies and practices would help any governments in the future to be open, transparent and accountable*," he added.

FIRST SESSION

National Information Commission – Mr. Kiran Pokhrel, National Information Commission

The National Information Commissioner, Mr. Kiran Pokhrel, mentioned how students in Australia know the distance and time it takes to go from home to college through apps, but that in Nepal they do not because they lack the information. He gave examples of how various countries in the world are increasing access to information to people and citizens. In the context of Nepal, even government data is not machine readable or re-usable and that this should be made open as a priority. The National Information Commission (NIC) had set up a Steering Committee, which had developed an Open Government Data Action Plan which was submitted by the NIC to the Prime Minister's Office in August, 2017.

He emphasized that the NIC attaches great importance to OGD as it constitutes a tool to enable people' access to information to empower them and establish good governance. Without data,

information is useless and therefore OGD is an important component of RTI both in terms of proactive disclosure as well as RTI requests. OGD means that data needs to be in open format and machine readable so that it can be re-used and shared freely without any restrictions.

Mr. Pokhrel also reiterated that the OGD National Action Plan is important because policy is needed to identify the need for open data, facilitate a common understanding between public agencies, bring about coordination and collaboration between agencies stakeholders, build the capacity of stakeholders on open data and increase the transparency of government through open data. The NIC developed the National Action Plan and will also implement parts i.e. compile good practices on OGD, act as a focal point for national and international groups working on OGD and raise awareness about the Action Plan. It is critical that people know about OGD at local level so that they can put pressure on their governments to open data.

He highlighted that it is not only government data, but data from the private sector that needs to be open too. The opening of data by the private sector is critical in the promotion of business, minimizing corruption and help the creation of employment.

Central Bureau of Statistics- Mr. Suman Raj Aryal, Director General

The Director General of Central Bureau of Statistics, Mr. Suman Raj Aryal, said that in Nepal's context the constitutional provisions (article 54) state the government's obligations to monitor and evaluate and also to give information to citizens. He noted that the main medium for this is data and that the CBS recognizes this responsibility, which is not something new. The government needs information for taking decisions.

The CBS and the data system have to consider many things – one is Nepal's constitution and next is Nepal's international development, e.g. SDGs. Mr Aryal revealed that, in the coming days, the CBS would be discussing in more detail with the provincial and local governments what the data responsibilities are and give them advice where to request. The CBS is also discussing what the national statistical institutions will look like at the provincial and local spheres– in the changed context they will also be changed. They will be IT equipped and there will need to be different types of experts (e.g. for the environment issues, gender issues etc). The CBS is discussing how all this can be coordinated.

Mr. Aryal said that the CBS was receiving many questions and requests for assistance from the provincial and local governments about their need for statistics on various sectors in their

respective provinces and local levels. At the same time, the CBS was conducting the economic census for the first time in Nepal as per the federal set up and thereby is working to address the need for disaggregated data at provincial and local levels.

Office of the Prime Minister- Mr. Chirinjibi Paudel, Information Officer

Mr. Chirinjibi Paudel, said that there is a common understanding among all sides is that open data can help to further debate and practices for a culture of transparency. He noted that there was a need for rigorous homework by the Office of the Prime Minister (OPMCM) office relating to open government data practices.

Mr. Paudel stressed that OPMCM has not yet done much regarding the OGD action plan given that it has been busy in the roll out of the federal structure. Despite this, over the past 2-3 years OPMCM has been promoting RTI, because the NIC has been continuously pushing them to and they have made some reforms. Also, the OPMCM has improved their technology and record maintaining systems in favorable ways and has also started auditing the records and information.

He informed that there has been little discussion regarding the establishment of information management offices and RTI implementing bodies at province level. The administrative structures and legal framework have not yet been finalized and hence open data and RTI frameworksat the local level are not yet clear.

"*The government has been transforming itself towards the open government data concept after a decade of enactment of the RTI Act, but it will be less effective without the use of technology thus technologies transfer to the federal and local level from the center is necessary*", he shared.

Readiness is a major aspect for the task, but another equally important factor is developing a common understanding among the stakeholders. He suggested that unless a common understanding about open government data is forged from the grassroots level to the central level, the concept may not work effectively.

National Information Commission – Mr. Krishna Hari Baskota, Chief Information Commissioner

The Chief Information Commissioner, Mr. Krishna Hari Baskota, said that OGD is the watchdog for the activities of the government.

He explained about the concept and its historical development. He reiterated the importance of open data in promoting transparency, developing democracy, empowerment, innovation, service delivery and making government efficient. According to Mr. Baskota, the NIC have handed over their work to the prime minister's office, thus both institutions are working to identify a common understanding on the concept of RTI and open data.

He reminded that countries such as the Netherlands, Denmark and the UK among others have benefited by the opening of their government data."*Demand and supply of the data itself cannot be accessible unless supported by the legal provision. We need to adopt a policy on OGD to make headway to a developed nation. It is necessary to empower citizens in a democracy*," he underlined.

Mr. Baskota noted that OGD is still in its infant stage, but some progress has been made in the following areas:

- The Ministry of Finance shares open data via their Aid Management Platform (AMP) resulting from Paris, Accra, Busan agreements. The AMP shares data on funds provided by all donors: http://amis.mof.gov.np/portal/
- The Company Register has opened data on companies: http://www.ocr.gov.np/index.php/en/
- Earthquake data was made available after the earthquakehttp://drrportal.gov.np/ndrrip/main.html?id=1
- The PMO has scanned all the letters:https://www.opmcm.gov.np/
- There is an e-biddingportal for public contracts: http://ppip.gov.np/
- The Nepal Rastra Bankis making monetary data public:https://www.nrb.org.np/
- The Nepal Stock Exchange now has an online transaction of shares:http://www.nepalstock.com/
- Information regarding Nepalipassports is OGD:http://nepalpassport.gov.np/choose/district/?post_type=receivedstatus
- The Ministry of Education also makes its information public:http://moe.gov.np/index.php
- The data of the retired civil servants is in OGD format: http://www.pis.gov.np/

- The Attorney Auditor General publishes the expenditure of government through its annual reports:http://oagnep.gov.np/en/reports-2/
- Private sector has also developed various open data portals like
  Code for Nepal's Nepal Map portal:https://nepalmap.org/
  Bikas Udhyami's Nepal in Data portal: www.nepalindata.com
  Young Innovation's Earthquake Transparency Response portal:https://earthquake.opennepal.net/
  Open Knowledge Nepal's portal:http://opendatanepal.com/
  KathmanduLiving Lab's Open Street Map:
  http://www.kathmandulivinglabs.org/resources/openstreetmap

In terms of concrete actions to promote RTI and OGD, he recommended the following:

- As 63% of people have access to internet, telecommunications providers should be giving WIFI for free.
- There should be proactive disclosure by the Government using Clause 5 of the RTI Act to promote OGD.
- Data producers need to understand the needs of users.
- There should be a website where all data is available.
- Nepal should join the Open Government Partnership.

- The experience of other countries has shown how OGD can have tremendous benefits in empowering citizens, providing evidence for decision-making and in monitoring government performance.
- Open data is an integral part of RTI guaranteed by the Constitution and the RTI Act
- The OGD National Action Plan was developed by a steering committee led by the NIC and was submitted in August 2017 to the OPMCM.
- The OPMCM has not yet been able to take the plan forward as it has been busy with the federal restructuring process.
- There is a need for an OGD policy
- The framework for implementation of RTI and OGD at provincial and local levels is not yet clear. The concrete responsibilities are still being discussed and the national statistical institutional framework will need to be changed as well.
- There is a need to develop a common understanding across all federal, provincial and local sphere to realize the potential of open government data in practice.

SECOND SESSION

The Asia Foundation- Mr. Bishnu Adhikari, Program Director Subnational Governance Program

In his presentation on 'Sub-National Governance Situation and Data Needs', Mr. Bishnu Adhikari, Program Director at The Asia Foundation's Sub-national Governance Program, said that the actual transition of Nepal to a federal structure had just begun with three spheres of government starting their work. He also stressed that the workshop is organized in the context of merging 4000 local governments to 753 local governments for effective performance and consolidating and scale up of their functions. While the political restructuring has happened, the functions are still being restructured which will take 3-4 years more time. However, the actual physical transfer of data and resources from the central level is yet to be realized.

There is the need to reorganize the process of delivering services and functionaries. It might take 2-3 years for the proper functioning of provincial and local governments to be in place. Capacity, infrastructure and resources play a vital role in the re-structuring process. As the transition is likely to be prolonged, it may create a gap in service delivery.

He noted that the government has several priorities:

- Making of the laws, regulations and working procedures at the local level
- Creating organizational structures (and management)
- Transfer of personnel/staff, transfer of functions and funds, continuity of key services.

The transfer of files and data has not happened – this will take some time. Front line service delivery agents are local governments, which will be the first point of contact to respond to the needs of citizens. Local governments have the right and duty to formulate laws and policies in various areas and this constitutes an opportunity to makes these more participatory and effective. Hence, the local government must be more transparent and accountable.

Young Innovations, Mr. Bibhusan Bista, Chief Executive Officer

Chief Executive Officer at Young Innovations, Mr. Bibhusan Bista, in his presentation, 'Making Open Data a Reality at the Local Government Level,' shared the experiences of Young Innovations in working to supporting local governments in Western Nepal. He said that the key issues at the local level are the lack of regulations, bribery, corruption, lack of drinking water, poor roads etc. The expectation of people at local level is that the ward chair will resolve all of this and their expectations are high. People want everything to be delivered immediately.

Local leaders have made lots of commitments through their manifestos, e.g. people have committed to making smart cities without understanding what a smart city is. Local levels are reeling under the lack of human resources and as a result a single person has to perform
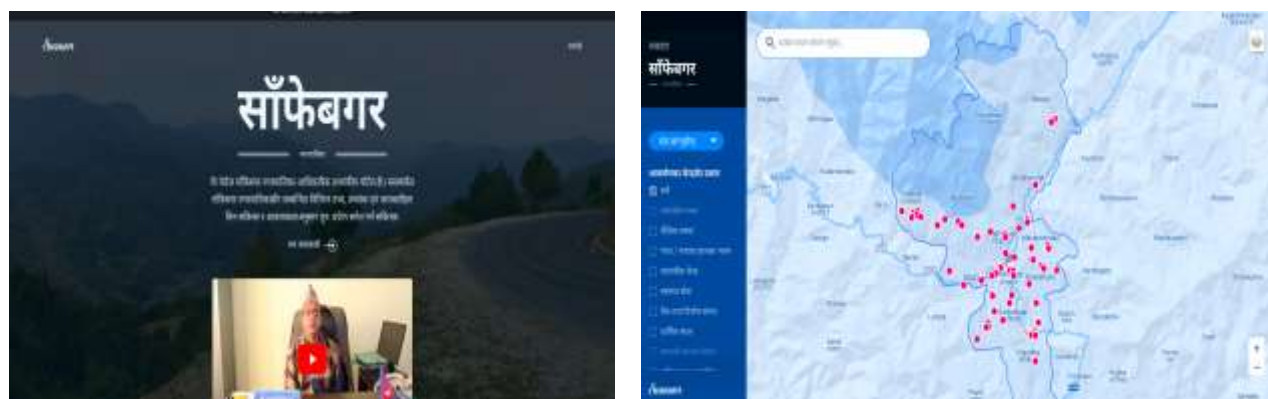
many different tasks. There is the provision of one technology officer, who is responsible to look after IT as well as data. Technical support on technology is needed for systematic data collection at local level. Local governments want advice on creating a TOR for an IT officer etc.

So it is a very difficult situation, particularly when there is a lack of skilled personnel within these governments to implement the changes. Local government is entrusted with delivery of lots of services and the expectation is that local people will then give feedback. Young Innovation's observations are that local government feels empowered, but not intimidated. They realize the value of data and being transparent and are willing to take the agenda forward but they need support. Nobody wants to be transparent. One mayor talked to Young Innovations about making data open, but said that he couldn't do it as he felt everyone would come and ask questions. Data needs to be usable.

Young Innovations expressed the need to focus on systemic support and to strengthen municipalities. Everyone believes they need to use technology; however a website is not the only technology. Gathering data and using technology for monitoring is important. The elected representatives can also be capacitated alongside the staff. He also worried about the lack of availability of information and data at local data. He emphasized people should understand data first and then open data - "*First get the data and then talk about open data*".

Mr. Bista gave a demo of the municipal data portal,http://sanfebagar.susasan.org/eprofile which includes number of households, education status and infrastructures in the municipality. The portal is focused on making basic information public, but will be developed as a data portal in the near future. Out of 100 hundred indicators, they selected 48 and imparted their skills on data generation and analysis. The ward representatives tracked the physical locations of all the schools, which can be accessed through the map – including how many teachers, and students they have. This can be updated every 6 months. The concerns and grievances can be addressed using technology. This is just one initiative as many more local governments need to come up with this kind of idea. Mr. Bista also explained that this will also help the CBS and vice-versa.

Bikas Udhyami – Mr. Santosh Gartaula, Chief Executive Officer

Chief Executive Officer of Bikas Udhyami, Santosh Gartaula, presented the https://nepalindata.com/ portal, which serves as a one stop portal making more than 3000 official government datasets open and accessible. He also showcased the soon to be released Geo-Profile page https://nepalindata.com/data/province/, making provincial and municipal data available to bridge the gap of available data at local level and help provincial and local governments in their planning, budgeting and decision-making as well as enabling citizens, civil society, media and private sector to track development progress. He said his organization was ready to provide help to anyone to access data in any format he/she wants to use. During the presentation, he pointed out the need for recognition from the government for the portal, which can even be handed over to the government if there is interest.

He noted how *"Data collection, management and dissemination education are the needs of this time*". Data management capacity and the process of data management need to be institutionalized, which Bikas Udhyami has started to support various organizations in doing in Nepal. It conducted a data management capacity assessment of 11 municipalities under The Asia Foundation's Sub national Governance Program. As statistical literacy is still very low in Nepal, data has to be disseminated in understandable ways e.g. through info graphs which constitute powerful tools to help people understand data. According to Mr. Gartaula "*For many of us, technology means only Facebook, many don't try to get other information that are publically available.*

Freedom Forum – Mr. Krishna Sapkota, Policy Advisor

Freedom Forum's Krishna Sapkota made a presentation on 'Open data and The Right to Information focusing on some of Freedom Forum's Initiatives such as Open Budget Survey 2017, Nepal's Citizens' climate budget and RTI campaigning at local government. Nepal currently ranks 43 out of 153 countries in the Open Budget Survey. Nepal has an overall score of 53 putting it in the category of limited information available but ahead of other countries in South Asia. Nepal scores 24 out of 100 for public participation and 44 out of 11 for budget oversight. About budget transparency, he noted that all the steps of the open budget making process were not adopted in Nepal. He provided specific recommendations on how Nepal could improve its budget transparency:

- Produce and publish a Pre-Budget Statement and a Citizens Budget.
- Provide detailed data on the macroeconomic forecast as well as data on the financial position of the government in the Executive's Budget Proposal.
- Increase the information provided in the In-Year Reports and the Enacted Budget.
- Actively engage with individuals or civil society organizations representing vulnerable and underrepresented communities during the formulation and monitoring of the implementation of the national budget.
- Hold legislative hearings on the formulation of the annual budget, during which members of the public or civil society organizations can testify.
- Establish formal mechanisms for the public to participate in relevant audit investigations
- Ensure the Executive's Budget Proposal is approved by legislators before the start of the budget year.
- In practice, ensure the legislature is consulted before the executive shifts funds between administrative units specified in the Enacted Budget during the budget year or spends any unanticipated revenue.
- Consider setting up an independent fiscal institution to further strengthen budget oversight.

In relation to the Nepal Citizens Climate Budget Survey, he also spoke about how 37.5 percent of Nepal's or NRP 393.33 billion of the total NRP 1278.00 billion FY2017/2018 budget was allocated for activities related to climate change constituting a 7 fold increase since the FY 2013/2014 budget. Finally, he presented the results of RTI applications that were filed by Freedom Forum to 753 local governments in August 2017. The test applications were responded

to by very few municipalities within 15 days. Despite repeated follow up phone calls and emails and appeals to the Mayors, within a period of 7 months only 198 governments responded.

Kathmandu Living Labs – Mr. Arogya Koirala, Data Scientist

Data scientist at Kathmandu Living Labs, Mr Arogya Koirala, spoke about Kathmandu Living Lab's work after the earthquake initiating several data collection, management and publication initiatives. He presented the Nepal Earthquake 2015 Open Data Portal: https://opendata.klldev.org/developed together with the CBS and the National Planning Commission. The portal makes all the data collected by the CBS through its Housing Reconstruction Survey in 11 districts available. The survey was conducted between January-June 2016 and assessed building damage in the earthquake-affected districts. Although the primary goal of the survey was to identify beneficiaries eligible for government assistance for housing reconstruction, it also collected other useful socio-economic information. The purpose of the portal is to open this data to the public.

According to Mr. Koirala "*Each of us has different information, but there is the need to channelize the information and sharing of the information with each other. We have developed the https://sajhasabha.org/ application, which can be used for local problem solving of issues of public concern*". Local people can directly post their issues in this App. Similarly, Kathmandu Living Labs together with the Nilkantha Municipali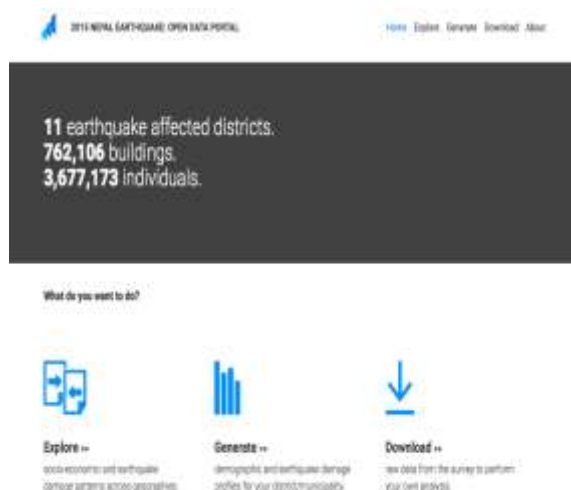ty in Dhading has developed the "Mero Neelkantha Mero Mobile" app as well as a portal making the municipal government open and closer to its citizens.https://play.google.com/store/apps/details?id=org.kll.cityportal.nilkantha&hl=en

"*These tools serve as a means for two way communication as people can directly email the information officer*", he added.

Mr. Koirala noted that technology itself cannot solve all the problems, rather different aspects are necessary to enhance the technology and make it more useful, he summarized.

Freedom Forum- Mr. Dharmendra Jha, General Secretary

The General Secretary of Freedom Forum, Mr. Dharmendra Jha focused on proactive disclosure provisions and practices in the country in his presentation 'Right to Information: Proactive disclosure in three tiers of government'.

He stressed that various government officials have faced difficulties in proactively disclosing information. There is no clear provision of prosecution if any public bodies decline to proactively disclose information and there is only the NIC who can direct them to improve their performance. The Ministry of Information has a monitoring mechanism, but it seems to not be used in practice. Many government officials also complain about clear and detailed guidelines for disclosure and data archiving. He suggested that the NIC should establish its offices at the provincial level for proper implementation of the RTI Act and openness. E-governance should be promoted and a new tool should be introduced for transparency and accountability. Access of all to the information should be enhanced at local, provincial and federal spheres.

Similarly, he suggested that at the federal level the OPMCM should devise a strong mechanism to monitor RTI and open data practices. Similarly, the NIC was suggested as an effective mechanism for monitoring, maintaining order and punishment.

> **Second Session Summary**
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> - Local leaders have made a lot of promises and citizen expectations are very high
> - There is a lack of human resources at local level with the required technology and data skills, which constitutes a barrier to the implementation of RTI and OGD at local level.
> - The transfer of files and data from the federal to the local level is yet to take place and there is a shortage of local data.
> - RTI requests are not being responded to by many local governments.
> - Proactive disclosure is a key part of RTI and important tool for OGD.
> - Nepal has an active data community, which is making government data available in open data format to ease the access to information.
> - Data is needs to be shared with citizens in understandable formats e.g. infographs.

QUESTION AND ANSWER SESSIONS

Following the presentation, questions were raised by various participants such as:

Manish Prasai asked if 'the open government data websites are accessible for visually impaired persons?

Bibhusan Bista of Young Innovation said that they are going to update the websites for the visually impaired people. They supported the techno hub, but the manpower needs to be supplied by the local people and for this purpose they are mapping the existing ecosystem.

Shailendra Sigdel asked 'The supply side has done their job, but how do you identify the demand side, is there any efforts for data seeking awareness?"

Uttam Pudasaini of Naxa Ptv Ltd asked 'how are we sharing the data among international agencies and with other organizations as we are also busy conducting a survey in 31 places"

Krishna Hari Baskota of National Information Commission said that positive and negative aspects of open data practices should discussed as many places have already been making their data public.

Bishnu Adhikari of The Asia Foundation said a government transition plan is being sought by development partners but that may not be applicable to all sectors as one plan does not work for all places. He suggested that government can direct that a survey should not be focused in one place/area only by which the supply side and demand side can be balanced.

Krishna Sapkota of Freedom Forum said, budget priorities need to be submitted in the public before its adoption. Pre-budget statement must be made public before one month of the budget announcement, according to international standards.

Badri Manandhar from Helvatas Nepal commented on the shrinking civil space. He said,"Is the space decreasing for the CSO activities in Nepal?"

Ms Saru, gender expert, said "We talk only about the access to data but do we use the available data for planning and policy-making?"

Aryogya Koirala, Data Scientist of Kathmandu Living Lab,responded 'people can question about any decision making process if we keep the data open, that will eventually help the good governance and right decision making.

Sabin Pokhrel, LL.B student,wondered "NIC was working with the system like that of inside-Singha Durbar (central administrative centre of the country) people, because I waited for 22-23 days to receive information- that too incomplete."

Dharmendra Jha, RTI Activist, responded saying that Singhdurbar must disclose each and every data as sought by the LLB students to general public. It is mandatory provision and citizen can appeal to the NIC if any public bodies declined to give the data.

NodnathTrital, Tribhuvan University staff, said 'TU has established IT department, but number of data users is low. If we can develop a data portal focusing students, it will increase the number of data user.

Santosh Gartaula, Bikas Udhyami CEO**,** said 'our platform can become a one stop data centerfor everyone including students as it can track every data from main administrative buildings to households.We should teach students about data development and evaluation software programs and we are mulling to run data portals at various colleges at Kathmandu. Our education system produces evidence that is copyrighted, but open data may not have such copyright issues".

GROUP BREAKDOWN, DISCUSSION

During the workshop, four groups were formed and discussions were held on numerous issues,which are barriers to the promotion of RTI and open data at local, provincial and federal

levels. They also mulled the activities needed to address the problems and exercised for identifying the actors.

- **Group A** focused on promoting the right to information and public disclosure
- **Group B** on identifying local level data needs and filling gaps
- **Group C** on enhancing data literacy
- **Group D** on building capacity to use data at local level.

The following sections present the key discussions from each group.

Group A: Promoting the right to information and public disclosure

Challenges

In relation to the promotion of RTI, Group A stated that there were three challenges- institutional, attitudinal and capacity related ones. Lack of conceptual clarity about RTI on both demand and supply side, barrier of language (one/two language dominated), no archiving, no digitization, low level of RTI awareness among public citizens, the NIC's ritual inspection only, no user-friendly information, no research on demand and supply sides' need etc. belonged to these challenges.

Activities

Group A suggested that in order to develop the capacity of government officials for continuously change, RTI orientation to Chief Ministers, Mayors, Chief Executives and stakeholders along with the general public is needed. Eliminating duplication, building coordination, open practice , promotion to accessible and alternative format of information and mandatory incorporation of RTI provisions while formulating policies is what is needed today to promote RTI and public information.

Group B: Identifying local level data needs and filling gaps

Challenges

Similarly, Group B stated that the flow of data and information in Nepal was still traditional- a top to bottom approach- while the need of data at present was for a bottom up approach. The villagers do not need GDP data/information, but the budget and time for rural road construction, they added.

Activities

Further Activities such as developing citizen state consultative mechanisms for sensitization, awareness and advocacy at all three levels, data literacy and information campaigns is a must. Also, separate from government, CSO's, private sectors and development partners are needed to identify local sphere data needs and filling data gaps.

Group C: Enhancing data literacy

Group C pointed out the need for digital literacy, reform in the education system, provision of reward and incentives for RTI campaigners and data community in all three communities is needed for enhancing data literacy in Nepal. To better data literacy, Group C stressed that the civil society could continue advocacy, HR training, sensitization, resource allocation for awareness and sensitization.

Group D: Building capacity to use data at local level

Moreover, Group D emphasized the need for stakeholder groups (e.g. governments, CSOs, media etc.) at the local sphere to be able to use data and their capacity needs to be strengthened. Today's practice shows data has a top-down approach, but the data openness should be based on a bottom up approach i.e. based on the requirement of the people.

Comments from the Audience

Participants from the various groups made the following comments:

- When we talk about the RTI and OGD we should talk about for what purpose – e.g. for making better lives.
- Capacity development should not be used in general– who's capacity development is important to identify and know.
- We have yet to reach the women and the Dalits with the RTI and OGD agendas – they have to be involved in these agendas.
- When we talk about the RTI at the local level we don't know how to do knowledge sharing.
- The problem is that the local bodies are working in their own way, as they like, and there is a problem of dataflow. But we have to recognize that they are doing it, at least something is being done even if it is not meeting the standards.

CLOSING

In her closing remarks, Ms. Tirza Theunissen, Program Co-Manager of the Data for Development Program noted the success of the workshop in getting a high level engagement from government, civil society and private sector. She thanked the NIC and the Freedom Forum team for all their support. She expressed her thanks to everyone in the room –the patient and engaging audience and complemented them on the very enriching working group discussions. She emphasized that the Data for Development in Nepal Program focuses on strengthening the local open data eco-system and supporting local Nepali stakeholders and that the Program will work to implement the various ideas coming out of the workshop.

Mr. Taranath Dahal, Executive Chief of Freedom Forum, thanked all three high commissioners and the acting secretary of the NIC for attending the workshop programme which showed that there was top level ownership of the workshop. He hoped that that this will help to bring some reforms to this sector. He mentioned that there was a big conflict between RTI and OGD before 2012 and a big intellectual debate/dispute. In that debate, Freedom Forum lead the way in both fields and gave the message around the world that RTI and OGD were linked and working for the same goal.

Ms. Yashoda Timsina, National Information Commissioner expressed that she was happy that all three information commissioners participated in the workshop. She said that she missed the morning program, but could watch it live from her room at the NIC thanks to new technology. She noted that the NIC made the OGD Action Plan and has submitted this to the OPMCM. The NIC is now waiting for formal endorsement from the OPMCM and will then proceed with it. She suggested that the presentations of the workshop should be in Nepali. She also noted that if we really want to disseminate information at the local level we need to include disadvantaged groups. She expressed her willingness to consult with everyone and she emphasized the importance of making personal commitments for promoting RTI and OGD in the new federal structure.

Group Work Summary

- The NIC is primarily focused on the regular inspection of RTI implementation by government agencies.
- The flow of data/information is still top-down in Nepal, which needs to change to a bottom up approach.
- CSOs need to continue advocacy, training, sensitization, resource allocation for to increase awareness on RTI and OGD and enhance data literacy of government and citizens.
- There is a need to focus more on user needs in producing and sharing data i.e. data should address the real needs of people in their daily lives.
- There is need for consultative and coordination mechanisms between government and civil society on RTI and OGD across all three spheres.

OBSERVATIONS, CONCLUSION AND RECOMMENDATIONS

- There is a need for the development of a common understanding on RTI and OGD across federal, provincial and local spheres.
- The NIC has undertaken continued efforts to encourage OPMCM to adopt and implement the OGD National Action Plan. It will continue to promote the OGD, act as a focal point for national and international groups working on OGD and compile good practices on OGD.
- There was a need for effective advocacy and lobbying of the OPMCM to adopt and implement the OGD National Action Plan to ensure that there is policy on OGD that facilitates a common understanding between public agencies, brings about coordination and collaboration between public agencies and different stakeholders, provides the basis for capacity building of different agencies and increases the transparency of government. The RTI implementation coordination unit at OPMCM could be made the focal point for OGD implementation.
- While the OGD Action plan exists, there is not a yet a concrete plan to implement the plan across the three spheres of government and key responsible government key stakeholders need to be identified for implementation.
- There is need to reverse the top-down approach of data sharing and to make this a more bottom up approach within the new federal structure.
- There is a shortage of data across provincial and local spheres, which first needs to be resolved before OGD data can be implemented in these spheres. Various private sector organizations have developed portals that are helping to address the void.
- There is also a shortage at provincial and local spheres of human resources with the technical skills for data collection, management and technology that needs to be addressed and there is need for technical assistance and capacity building.
- There is an opportunity for CSOs to collaborate with provincial and local governments on formulating policy on RTI and OGD and implementation and to build their capacity.
- There is a need for consultative and coordinating mechanisms between government agencies, CSOs and private sector to avoid duplication and create synergic efforts in promoting and implementing RTI and OGD.

VISIBILITY

The workshop had enthusiastic participation from various sectors and got significant visibility across Nepali media (both English and Nepali language) including television, newspapers and online news portals:

http://www.therisingnepal.org.np/index/news/22641

https://kathmandutribune.com/national-workshop-on-promotion-of-rti-and-open-government-

data-kicks-off/
https://thehimalayantimes.com/kathmandu/need-for-open-government-data-stressed/
http://www.myrepublica.com/news/38579/

Moreover, the National News Agency of Nepal also featured the news. With its many subscribers and news exchange system, the news is viewed in foreign countries as well.

Nepal Television broadcasted the event through its news.The wide media coverage is believed to have drawn attention from different sides on the pressing issues related to RTI and OGD in federal Nepal.

WORKSHOP

PROMOTING THE RIGHT TO INFORMATION &

OPEN GOVERNMENT DATA IN FEDERAL NEPAL

8:30   **Breakfast & Registration**

FIRST SESSION

              Moderator Ms Anita Bindu

9:00   **Welcome Speech and Program Objectives**

              A. Data for Development Program (TAF/DI) by Ms. Tirza Theunissen
              B. Freedom Forum- Executive Chief Mr Taranath Dahal
9:15   **Presentations**

              A. National Information Commissioner Mr Kiran Pokhrel
              NIC activities to promote RTI and OGD at local, provincial and the federal set up

9:30   **B. Director General, Central Bureau of Statistics (CBS), Mr Suman Raj Aryal**

              CBS's new structure and data management at the local, provincial and the federal sphere

9:45   **C. Secretary at Office of the Prime Minister, Mr Khagaraj Baral**

              Prime Minister's Office's plans for implementation of the Open Government Data Action Plan, and its coordination of RTI implementation

10:00   **Speech by the Chief Information Commissioner, Mr Krishna Hari Baskota**

10:10   **Q&A Session**

              To be moderated by Mr. Taranath Dahal

TEA BREAK

SECOND SESSION

10:40   **Presentation**

                   The Asia Foundation, Mr. Bishnu Adhikari, Program Director

                   Australian Government – The Asia Foundation Strategic Partnership to support Subnational Governance in Nepal

                   Sub-National Governance Situation and Data Needs

10:50   **Freedom Forum**

                   Role of CSOs on expanding RTI and Open Data regime in the changed legal and governance set up

11:00   **Young Innovations**

Making Open Data a reality at the Local Government level

11:10   **Q & A**

11:20   **Bikas Udhyami, Mr. Santosh Gartaula, CEO**

                   Provincial and municipal data profiling

11:30   **Citizen Campaign for Right to Information, Mr. Santosh Sigdel/Dharmendra Jha**

                   Promotion of RTI in three-layers of governments

11: 40   **Local Interventions Group**

                   Open Data Movement – Making it mainstream

11: 50   **Kathmandu Living Labs**

                   Open Local Governance and Civic -ICT

12: 00   **Q & A**

                   To be moderated by Ms Bindu

LUNCH

THIRD SESSION

IDEATHON

1:20   **Breakdown for 4 groups work**

Themes-

A.   Promoting the right to information and public disclosure
B. Identifying local level data needs and filling data gaps

C. Enhancing data literacy

D. Building capacity to use data at local level

Moderated by Ms Bindu

TEA BREAK

FOURTH SESSION

2:20   **Presentations by groups**

Groups to respond questions from floors. Questions relating to coordination, effective sharing of information, measure of progress

3: 20   **Summary of key points (statement from groups) as noted by Rapporteur**

FIFTH SESSION

3:30   **Concluding Remarks**

A. **Data For Development Program, Ms. Tirza Theunissen**
B. **Freedom Forum, Mr. Dahal**
C. **National Information Commission, Commissioner Ms Yeshoda Timsina (TBC)**

Followed by High Tea