

# OPEN DATA POLICY\*



\* Approved in principle by the PH-EITI MSG during its 38th Meeting, 9th December 2016, Manila. Finally approved via electronic mail (email) referendum on 15 December 2016.

# Preamble

Whereas the Constitution of the Republic of the Philippines recognizes the right of the people to information on matters of public concern, guaranteeing citizen access to official records, documents, and papers pertaining to official acts, as well as to government data used as basis for policy development,<sup>1</sup> as it likewise adopts a policy of full public disclosure of all State transactions involving public interest,<sup>2</sup> subject only to such limitations as may be provided by law;

Whereas the same Constitution also recognizes the vital role of communication and information in nation-building;<sup>3</sup>

Whereas the Information Age has seen immense transformation in how societies and governments operate and function, driven by data and facilitated by technology;

Whereas there is a global movement towards harnessing such transformation to foster more transparent, accountable, efficient, and effective governments and civil society and private sector organizations, towards participatory and sustainable development;

Whereas the Philippines has taken part in this global movement, as it has committed to initiatives such as the Open Government Partnership (OGP) of which it is a founding member-country, and the Extractive Industries Transparency Initiative (EITI) as embodied in Executive Order No. 79, s. 2012 and Executive Order No. 147, s. 2013;

Whereas the OGP aims to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance; while the EITI has similar objectives but with respect specifically to natural resource governance, particularly in the area of extractives;

Whereas open data, or “digital data that is made available with the technical and legal characteristics necessary for it to be freely used, reused, and redistributed by anyone, anytime, anywhere”,<sup>4</sup> is recognized as vital to meeting these objectives;

Whereas open data can increase transparency about how the country’s natural resources are extracted and used, and what and how the revenues from extractives are levied, collected, and spent, thereby empowering stakeholders to engage in public discourse and debate, promoting accountability, and helping to combat corruption in resource governance;

Whereas opening EITI data can improve its accessibility and comparability, which are essential to fulfilling the requirements of the EITI Standard;

Now, therefore THE PH-EITI MULTI-STAKEHOLDER GROUP (MSG), in its mandate to set the strategic direction for the effective implementation of EITI in the Philippines and to seek the removal of barriers to such implementation, adopts as consistent with and in furtherance of PH-EITI’s goals this **Open Data Policy**:

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1 Section 7 Article III, CONSTITUTION

2 Section 28 Article II, CONSTITUTION

3 Section 24 Article II, CONSTITUTION

4 International Open Data Charter (<http://opendatacharter.net>)

## Article 1. Principles

We subscribe to emerging international principles and best practices on open data, such as those that prescribe that data should be:

1. Open by default;
2. Timely and comprehensive;
3. Accessible and usable;
4. Comparable and interoperable;
5. For improved governance and citizen engagement; and
6. For inclusive development and innovation;<sup>5</sup>

## Article 2. Objectives

We seek to promote open data implementation to further PH-EITI's objectives and contribute to the greater goals of transparency for participatory and sustainable development.

## Article 3. Recommendations

We strive to:

1. Develop within the PH-EITI framework action plans in support of the implementation of the open data principles and commit the necessary resources for the same;
2. Develop and adopt policies and practices to ensure that all EITI data is made open by default, while recognizing that there are legitimate reasons why some data cannot be released, given clear justifications are provided for such non-disclosure;
3. Release high-quality (comprehensive, accurate, disaggregated to the extent possible, interoperable) data in a timely manner and in open formats such that it can be processed by computers and accessed and used by the widest public (human- and machine-readable formats);
4. Encourage stakeholders to open up their data as well as to use open data to maximize the value and impact of such data through effective use; and
5. Be transparent about PH-EITI's own standards, data collection, other processes, and progress by documenting and publishing these online.

## Article 4. Coverage

This Policy covers all data that are voluntarily disclosed by the participants of PH-EITI. It shall likewise apply to data disclosures that are or will be required by law or mutually agreed upon by the participants.

This Policy shall not be applicable to data or information that cannot be disclosed by reason of law, unless the data owner waives its rights over the same.