

## **IMPLEMENTING RUSSIAN OPEN DATA CONCEPTION: PUBLIC AND LOCAL GOVERNMENT BODIES PROGRESS REPORT 2013**

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Government open data became part of national policy in Russian Federation starting from President's Order from May 7, 2012 "On Main Directions of Improving Governance". For the past 1,5 years solid work was done on federal level of governance. A lot of public, governmental and local projects on open data were established, sufficient legal framework regulating open data was designed,

This report describes the current situation with open data in Russia. It summarizes results and key challenges arising through the process of open data implementation in practice.

# 1. Implementation of the Open Government Data Concept

## *1.1. Regulatory and organizational support*

Pursuant to subparagraph «d» of paragraph 2 of the **Russian Federation Presidential Decree № 601 of 7 May 2012** «On Main Directions of Improving Governance» the Government of the Russian Federation was directed to ensure the availability of access through the Internet to open data placed in the governmental information systems by 15 July 2013 .

From August 2012 to present time the following activities were carried out.

The Russian Ministry of Economic Development has developed an Open Data Concept including the Action Plan (roadmap) entitled «Open Data of the Russian Federation» approved on 13 December 2012 by the Sub-Commission on the Use of Information Technologies in Public Services Provision as part of the Government Commission on the Introduction of Information Technologies in the Activities of State and Local Government Bodies (protocol № 11). **On the whole, all the activities set out by the Concept and the roadmap have been implemented.**

**By now a regulatory framework has been developed. It ensures access to the information held by public and local government agencies available as open data.**

Thus, a definition of open data and the basis underlying their status have been embodied in the legislation. **Federal Law № 112-FZ «On Introducing Amendments to the Federal Law «On Information, Information Technologies and Information Protection» and the Federal Law «On Ensuring Access to Information about the Activities of Public and Local Government Bodies» were adopted** on 7 June 2013. The Law regulates the publication on the Internet of the information about government bodies' activities as open data.

In pursuance of the Laws all the appropriate regulations have been adopted. **Russian Government Order № 583 of 10 July 2013** sets out the following rules:

- 1) rules for classifying public sector information as open data;
- 2) rules defining the periodicity of publication of open data on the activities of public and local government bodies, the timeframe for updating this information as well as other requirements concerning the publication of information as open data;
- 3) rules governing the mandatory publication of open data by public authorities of subordinate entities of the Russian Federation and local government agencies exercising powers devolved by the Federation.

Russian Government Resolution **№ 1187-r of 10 July 2013** for the first time provided a list of freely accessible information published by state authorities and local government agencies on the Internet as open data:

- list of territorial bodies and offices (representatives) of a federal government agency abroad (if available);
- list of subordinate organizations (if available);
- schedule of routine inspection of legal entities and individual entrepreneurs for the next year;
- information on the results of routine and unscheduled inspections carried out by the federal executive agency and its territorial bodies within the limits of their authority as well as the outcome of inspections performed in the federal executive agency, its territorial bodies and subordinate organizations;
- statistical information compiled by the federal executive agency in accordance with the Federal Statistical Work Plan as well as the statistics reflecting the results of routine and unscheduled inspections;
- information on Civil Service vacancies in the federal executive agency and its territorial bodies;
- register of licenses for specific types of activities which are issued by federal executive agencies;

- other freely accessible information about the activities of federal executive agencies to be published on the Internet as open data in pursuance of federal laws, acts issued by President and Government of Russian Federation, decisions of the Government Commission on Coordination of Open Government Activities, and administrative orders of federal executive agencies.

**Requirements for technological, software and linguistic tools necessary for public authorities and local government bodies to publish information on the Internet as open data and ensure its availability were approved by Order № 149 of the Ministry of Communications and Mass Media of the Russian Federation dated 27 June 2013.**

The Russian Ministry of Economic Development developed the **methodological recommendations for open data publication** by public authorities and local government bodies as well as technical requirements for open data publication approved by Protocol № 4 of the Meeting of the Government Commission for Coordination of Open Government Activities of 4 June 2013.

The Government Commission for Coordination of Open Government Activities at its meeting held on 28 February 2013 established the **Open Data Council** (Protocol № 1) composed of representatives of public authorities, academic and commercial organizations. The Council holds regular discussions on promising lines of development for open data in the Russian Federation, lists of datasets for release as well as technological aspects of publication.

Federal executive bodies published the first 577<sup>1</sup> open-format datasets available for download. Some regions, municipalities and large commercial organizations displayed a proactive approach to information disclosure (e.g. Moscow Open Data Portal, RIA Novosti Open Data Portal).

### ***1.2. Quantitative results of the government open data monitoring***

The Action Plan (roadmap) «Open Data of the Russian Federation» approved on 13 December 2012 by the Sub-Commission on the Use of Information Technologies in Public Services as a part of the Government Commission on the Introduction of Information Technologies in the Activities of Public and Local Government Bodies (protocol № 11), hereinafter referred to as the «Roadmap», set out target values for government open data initiatives shown in Table 1 below.

**National Research University «Higher School of Economics» (hereinafter referred to as NRU HSE) over the period 16-25 September 2013 performed monitoring of federal executive bodies' websites** with a view to check the presence of open data sections as well as conformance of these sections to the methodological recommendations for publication of open data by public authorities and local government bodies as well as technical requirements for open data publication approved by Protocol № 4 of the Meeting of the Government Commission on Coordination of Open Government Activities of 4 June 2013 (hereinafter referred to as the «Methodological recommendations»).

*Table 1.*

<b>№</b>	<b>Target description</b>	<b>Planned value for 15.07.2013</b>	<b>Actual value as at 25.09.2013 (NRU HSE data)</b>
1	Number of federal executive agencies who created an «open data» section on their official website	<b>40</b>	<b>59</b>
2	Number of arrays (sets) of information published in the form of open data	<b>500</b>	<b>577</b>

<sup>1</sup> Based on NRU HSE data

A total of **78 websites** belonging to federal executive agencies was analyzed. **19 out of these 78 agencies have not started work on open data initiatives** (i.e. failed to publish even a single set of open data):

**- 14 federal executive agencies under the authority of the Government of the Russian Federation failed to comply with the requirements of the Methodological recommendations<sup>2</sup>:**

1. Ministry of Energy of the Russian Federation
2. Ministry for the Development of the Russian Far East
3. Ministry of Agriculture of the Russian Federation
4. Ministry of Transport of the Russian Federation
5. Federal Agency for Youth Affairs
6. Federal Subsoil Resources Management Agency
7. Federal Agency for Technical Regulation and Metrology
8. Federal Agency for Construction, Housing and Utilities
9. Federal Transport Oversight Service
10. Federal Air Transport Agency
11. Federal Railway Transport Agency
12. Federal Service for Financial and Budgetary Supervision
13. Federal Migration Service
14. Federal Space Agency

**- 5 federal executive agencies under the authority of the President of the Russian Federation who are not obligated to fulfill the requirements of the Methodological recommendations<sup>3</sup>:**

15. State Courier Service of the Russian Federation
16. Foreign Intelligence Service of the Russian Federation
17. Federal Security Service of the Russian Federation
18. Federal Guard Service of the Russian Federation
19. Chief Directorate for Special Programmes of the President of the Russian Federation

As at 25 September 2013, **59** federal executive agencies who started working on open data initiatives have published **683** datasets **out of which only 577 are currently available for use**. Links to **106** datasets lead either to non-existent pages or to damaged files. Table 2 shows the list of federal executive agencies which provide availability of the published open data sets **below 50%**.

*Table 2.*

	<b>Federal executive agencies</b>	<b>Number of links to open data</b>	<b>Number of fully functional links</b>	<b>Share of functional links, %</b>
1	Federal Road Agency	12	0	0

<sup>2</sup> Federal executive agencies which fall under the scope of the Methodological recommendations and are liable to meet the requirements contained herein.

<sup>3</sup> The requirements of the Methodological recommendations do not extend for Federal executive agencies operating under the authority of the President of the Russian Federation but the latter can publish open data on their own initiative.

2	Ministry of Sport of the Russian Federation	10	0	0
3	Federal Education and Science Supervision Service	7	0	0
4	Federal Water Resources Agency	3	0	0
5	Federal Penitentiary Service	7	1	14 %
6	Federal Service for Veterinary and Phytosanitary Supervision	6	1	17 %
7	Federal Service for State Registration, Cadastral Records and Cartography	10	2	20 %
8	Federal Intellectual Property Service	15	5	33 %
9	Ministry of Economic Development of the Russian Federation	13	6	46 %

While implementing the open data monitoring we analyzed the conformance of the published open data sets to the requirements of the Methodological recommendations on open data publication. The scope of analysis covered 59 federal executive agencies which started working on open data initiatives. 19 out of 78 federal executive agencies which had not published a single open dataset were not included in the scope of analysis.

The list of the criteria used for assessment as well as the final statistics on conformance to the criteria are shown in Table 3.

*Table 3.*

<b>Criteria</b>	<b>Percentage of Federal executive agencies who complied with the requirement</b>
1. The presence of an open data section on the official website	98.3% <sup>4</sup>
2. The presence of a link from the main page of the official site to the open data section	71.2%
3. The presence of a catalogue of all open data held by the federal executive agency	64.4%
4. The presence of completed open data certificates	93.2%
5. The presence of open data structures	83.1%
6. The presence of a feedback link	23.7%
7. Regular update of open data in accordance with the certificates	91.5%

<sup>4</sup> The Ministry of Foreign Affairs of the Russian Federation published an open data section not on its official website (mid.ru), but on the website of the Consular Department (<http://www.kdmid.ru/>) – hence the total is not equal to 100%.

8. The presence of open data terms and conditions of use	74.6%
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The analysis consists of the conformance check to the requirements of the Methodological recommendations using 8 criteria listed above (for compliance with one criterion each federal executive agency was given 1 point – so, the maximum possible score was 8 points). The total score for all the agencies which started working on open data initiatives amounted to **354** points (i.e. **75%** of the maximum possible total score of **472** points).

**In other words, overall the rate of compliance with the Methodological recommendations among federal executive agencies equals to 75%. In our view, this reflects a fairly responsible attitude towards open data.**

The most common errors seen while open data publication are: the absence of feedback and a joined catalogue of all open data held by the federal executive agency as well as the lack of a link from the main page of the official site to the open data section.

The assessment showed the following results:

**6 federal executive agencies fully conform to the requirements of the Methodological recommendations (8 out of 8 points):**

- 1) Ministry of Culture of the Russian Federation
- 2) Federal Drug Control Service of the Russian Federation
- 3) Federal State Statistics Service
- 4) Federal Customs Service
- 5) Ministry of Economic Development of the Russian Federation
- 6) Federal Service for Technical and Export Control

**5 federal executive agencies have the lowest level of conformance to the requirements of the Methodological recommendations (3<sup>5</sup> out of 8 points):**

- 1) Ministry of Sport of the Russian Federation
- 2) Federal Financial Monitoring Service
- 3) Federal Service for Defence Contracts
- 4) Federal Education and Science Supervision Service
- 5) Federal Water Resources Agency

Table 4 shows the list of **10 federal executive agencies who published the maximum number of accessible sets** of open data.

*Table 4.*

	<b>Federal executive agencies</b>	<b>Number of <u>accessible</u><sup>6</sup> datasets</b>
1	Federal State Statistics Service (Rosstat)	102
2	Federal Service for Alcohol Market Regulation	50
3	Federal Agency for Marine and River Transport	39

<sup>5</sup> None of the 59 federal executive agencies who started publishing open data had a score below 3 points.

<sup>6</sup> While performing the analysis we considered only those datasets which could be effectively downloaded and opened.

4	Federal Customs Service	28
5	Ministry of Education and Science of the Russian Federation	23
6	Ministry of Finance of the Russian Federation	21
7	Federal Tax Service	18
8	Ministry of Interior of the Russian Federation	17
9	Federal Treasury	16
10	Federal Accreditation Service / Federal Service for Defence Contracts	15

Analysis of the leading federal agencies' websites that published the largest number of datasets in an open data format showed that content-wise **98** out of **102** Rosstat datasets available for download represent one «Consumer Price Index» broken down by different criteria of comparison (e.g. comparisons against the same periods a year ago or last December) or by commodity categories (tea, coffee or medical goods). Actually, all 98 datasets are uploads from one performed using different filters. Drilling down this database (splitting up tables into columns) creates extra difficulties for developers restoring data binding. It is required that the whole «Consumer Price Index» database upload should be published in an open data format which would considerably increase the value of data.

This example shows the necessity to alter to the current set of benchmarks and to exclude such criteria as a «number of published information arrays». Methodology-wise it is also necessary to define such terms as an «array » or «set» of information.

## ***1.3. Open Data Ecosystem***

### **1.3.1. Non-Governmental Projects**

The year 2013 has seen dynamic development of the already existing projects of non-governmental open data portals supported by non-profit organizations and developer communities.

Some of the most prominent of these are:

- Open Data Hub – portal created by NPO «Information Culture» (<http://hubofdata.ru>);
- Gis-Lab – web-project and developer community specializing on geographic information systems involved in data mapping and improving the quality of data published on Moscow Open Data Portal (<http://gislab.info>).

At the meetings devoted to open data many developers expressed their interest in creating their own open data portals at the regional and national levels.

From 5 to 10 private and public initiatives are expected to emerge in 2014. These initiatives will aim at consolidating official open data, improving the quality of published government data and iterative integration of the disclosed data.

### **1.3.2. Open data in subordinate entities of the Federation**

During the first 9 months of 2013 multiple initiatives on open data publication have been developed in subordinate entities of the Russian Federation as well as at the municipal level. Being actively updated open data portals have been established in a number of regions, namely:

- Moscow – <http://data.mos.ru>
- Tula Region – <http://opendata71.ru>
- Ulyanovsk Region – <http://data.ulgov.ru>
- Perm Krai – <http://opendata.permkrai.ru>
- Amur Region – open data section on the official website
- Stavropol Krai – open data sections on the official websites of executive agencies
- Bashkortostan Republic – open data sections on the «Open Republic» web-projects

A number of subordinate entities of the Russian Federation have also announced their plans to develop open data portals and started tendering process for the appropriate government contract.

Among these regions is:

- Saint-Petersburg

The regions that announced plans to publish open data are:

- Tatarstan Republic
- Sverdlovsk Region

The most common problems arising while developing regional open data portals are as follows:

1. Substitution of notions: development of analytic portals rather than open data portals
2. Lack of mechanisms providing user feedback to developers
3. Lack of efforts to promote open data on the part of developers
4. Lack of open licenses when publishing open data
5. Shortage of the highest demand data (e.g. on transport and environment as well as datasets which one can drill down to the municipal level).



6. Very formal approach to data disclosure, i.e. never going beyond the limits by releasing required information only.

### 1.3.3. Municipal open data projects

Several open data initiatives have emerged in Russia at the level of local government bodies.

By way of example, a number of municipalities who created open data sections on their official websites are given below:

- Krasnodar – <http://www.krd.ru/opendata>
- Yuzhno-Sakhalinsk – <http://yuzhno-sakh.ru/dirs/1462>
- Georgievsk - <http://www.georgievsk.ru/about/opendata/>
- Yoshkar-Ola - <http://www.i-ola.ru/opendata/>
- Anapa - <http://www.anapa-official.ru/opendata/>
- Nevinnomyssk - <http://www.nevinsk.ru/opendata/>
- Stavropol - <http://www.stavadm.ru/opendata/>
- Chelyabinsk - <http://socchel.ru/otkrytye-dannye>

At the same time, it should not be left unnoticed that there exist a few problems with data disclosure at the level of municipalities arising from inadequate understanding of the term «open data». Instead of datasets official sites often publish just information in the form of web-pages and documents unsuitable for computerized processing.

Examples of such municipalities include:

- Trekhgornyy - <http://admintrg.ru/opendata.php>
- Uryupinsk - <http://urupinsk.net/city/dannye/>
- Minusinsk - <http://minusinsk.info/?mode=documents>

The most common problems arising in the publication of open data on the websites of local government bodies are:

1. Insufficient understanding of the term «open data»
2. Lack of mechanisms providing user feedback to developers
3. Lack of efforts to promote open data on the part of developers
4. Lack of open licenses when publishing open data
5. Shortage of the most requested data (e.g. on transport and environment).
6. Overly formal approach to data disclosure, i.e. never going beyond the limits of releasing required information only.

### 1.3.4. Activities for promoting the use of open data

Throughout the year 2013 developers organized events to promote the use of open data. These events can be classified into developer competitions, hackathons and workshops.

#### Apps4Russia Competition

Apps4Russia is a creative competition for open data developers lasting since April 2013. It was organized by the NPO «Information Culture» with the support of the Open Government. As for the 26 September 2013 the participants submitted 65 open data applications. It is planned that results of the competition will be announced by the end of October 2013.

Apps4Russia is an annual event held for the last three years. It is expected that at least 80 entries and 40 ready open data applications will be received by the end of the competition in October.

Reference: <http://www.apps4russia.ru>

### **Yandex Hackathon**

Yandex Hackathon took place on the 14 September 2013. It was devoted to the use of open data in combination with Yandex technologies. The hackathon gathered around 70 developers and resulted in the development of 23 open data projects and project prototypes. Reference:

<http://tech.yandex.ru/events/meetings/hack/>

### **AngelHack Hackathon in Moscow**

The hackathon held on 18-19 May at Nagatino coworking space (Moscow) gathered around 100 developers working on different projects including those involving open data. Reference:

<http://www.angelhack.ru/>

### **“Digital Friday” in Krasnodar**

Digital Friday is a regular event organized in Krasnodar City devoted to modern technologies and e-government so far as it relates to the e-government implementation at the municipal/city level.

Within the framework of Digital Friday, a separate event was organized focusing on open data that included lectures and presentations on priority issues in data disclosure. Reference:

<https://www.facebook.com/DigitalFridays>

## **Achievement of Targets in Some of the Non-Governmental Projects**

*Table 5.*

<b>№</b>	<b>Target description</b>	<b>Planned value for 15.07.2013</b>	<b>Actual value as at 25.09.2013</b>
3	Number of commercial companies and civil society organizations using information in the form of open data	20	over 30
4	Number of applications (services) developed on the basis of information in the form of open data	20	over 50
5	Number of arrays (sets) of information published as open data in advanced formats (RDF format)	5	0-1

According to expert assessments, at least 30 companies actively use open data in the following way:

- extending the capacity of existing commercial services;
- developing projects on the basis of open data;
- using open data with a view to attract developers through hackathons and competitions (aiming to employ the best developers).

The results shown for Target 4 are based on the minimum value while the actual number of applications varies from 50 to 200. The main limitations of this assessment stem from the fact that the majority of application developers do not advertise the use of open data even though they are actually using it. The value shown for Target 5 is 0 to 1 since to date RDF datasets have been published by the news agency RIA Novosti (<http://opendata.ria.ru>). All other open data publications in RDF format are unofficial.

## 2. Topical Issues Related to Working with Open Data in Russia

### *2.1.Changes in the Procedures for Development and Adoption of the Russian Government Legislation Regulating Access to Information of Public Importance*

During the period from the adoption of Russian Federation Presidential Decree № 601 of 7 May 2012 «On Main Directions of Governance Improvement» till the present time, the Government of the Russian Federation passed no less than **24** orders containing provisions on **public** access to information held by state authorities, local government bodies and certain types of commercial organizations. The list of normative acts issued by the Government of the Russian Federation is provided in Appendix 1.

These normative legal acts of the Russian Federation Government stipulate that access must be ensured to 65 essential arrays of data including:

- 55 data arrays formed by state authorities;
- 7 data arrays created and updated government bodies of subordinate entities of the Russian Federation (or local government bodies carrying out delegated authorities);
- 2 datasets formed by federal agencies and government bodies of subordinate entities of the Russian Federation;
- 1 data array formed by commercial organizations.

**At the same time, none of the above-mentioned orders of the Russian Government point to the necessity of ensuring access to information in the form of open data which is not in keeping with the aim of Presidential Decree № 601 of 7 May 2012 «On Main Directions of Governance Improvement».** To rectify the situation one must make changes in the procedures for the development and adoption of the Russian Government legislation regulating the access to information of public importance.

According to paragraph 57 of the Rules of the Government of the Russian Federation adopted by Russian Government Order № 260 of 1 June 2004, before submitting draft legislation to Government it must be coordinated with heads (or deputy heads) of federal executive agencies subordinate to the President or Government of the Russian Federation responsible for the issues addressed in proposed legislation (this consultation process should involve heads of not more than 3 agencies).

Pursuant to the requirement contained in the first subparagraph of paragraph 57, the choice of such agencies is determined by the Head of the federal executive agency introducing draft legislation or by the Deputy Chairman of the Government. The Chairman of the Government can make changes in the list of federal executive agencies whose heads (deputy heads) are obliged to be involved in the mandatory consultation process.

According to subparagraphs d) and g) of paragraph 4 of the Statute on Government Commission for Coordination of Open Government Activities adopted by Russian Government Order № 773 of 26 July 2012, the Commission examines proposals concerning identification of essential measures to ensure openness of federal executive bodies' activities and coordinated efforts of these bodies aimed at resolving issues related to the implementation of standards for informational openness.

According to subparagraph h) of paragraph 10 of the Statute on Government Commission for Coordination of Open Government Activities, Deputy Chairman of this Commission having the rank of Minister of the Russian Federation takes part in the consultation on draft federal laws and normative legal acts of the Government of the Russian Federation falling under the scope of the Commission's competence.

In light of mentioned above, it seems necessary to adopt an order laid down by the decision of the Chairman of the Government stipulating that Deputy Chairman of Government Commission for Coordination of Open Government Activities (Minister of the Russian Federation) on an ongoing basis performs obligatory consultation on draft normative acts of the Government bearing on access to

information held by state authorities and local government bodies with a view to ensure the required degree of openness of publicly important information (*inter alia* in the form of open data).

It is quite possible to adopt and implement the appropriate decision in a very short time, since these steps would not require preliminary changes in the current legislation.

## ***2.2. Development of New Approaches to Assessing the Value of Open Data Publication***

The first stage of working with government open data was about the development of an adequate regulatory framework, publication of planned datasets and the emergence of gradual integration of Russian government institutions with international open data organizations and projects. However, the first stage has also shown the inadequacy of the current criteria for assessing the performance of public authorities in the field of open data. Quantitative indicators such as the number of data arrays and size of data fail to reflect the socio-economic value of open data and its relevance for key users (developers, researchers and the media).

There are several possible ways to change and specify the criteria for assessing open data value:

1. Demand assessment of the open data on the part of business community;
2. Assessment of the socio-economic impact of data disclosure.

### **Assessment of the Open Data Value by the Demand from Business Community**

This approach involves the assessment of data requested by developers and business community. At present, the analysis of data queries made by commercial organizations on the basis of the results of the online survey carried out in February 2013 by the “Echo Moskvy” radio station shows that the requested datasets were either not disclosed or the data was not detailed enough.

*Table 6. The Results of the Survey on Data which Should be Disclosed on a First-Priority Basis (the survey conducted by Ekho Moskvy on 27 Feb 2013 covered 4225 respondents)*

1	Law enforcement statistics down to the police station level
2	Database on federal, regional and municipal budget implementation
3	Database of civil servants penalized for violating federal and municipal contracting rules
4	Development of a unified database of civil servants' income declarations
5	Database of management companies (and their accounts and records) which would allow to increase investment efficiency
6	Database containing the results of inspection of public catering facilities
7	Database of public services and contact details of the institutions that provide these services
8	Database of all laws and regulations
9	Database of ecological passports of Russian regions down to the municipal level
10	Database of road traffic accident (RTA) statistics down to individual RTAs (but without personal data – just place, time and details of what happened)
11	Database of average scores of the Unified State Examination (USE) and other performance indicators for each school

12	Database of all State Standards (GOST) in a machine-readable format
13	Database containing the results of inspections performed by the Federal Service for Supervision of Consumer Rights Protection and Human Well-Being (Rosпотrebnadzor) and its administrative orders
14	Database of all healthcare institutions
15	Database on licensing of higher education institutions and their reports and financial statements
16	Database on average fuel prices by subordinate entity of the Russian Federation
17	Database of all international treaties to which the Russian Federation is a signatory
18	Patent database
19	Database of non-profit organizations and their reports and financial statements

### **Assessment of the Socio-Economic Impact of Data Disclosure**

The approach involving assessment of the socio-economic impact of data disclosure is discussed within the framework of OECD. Having collected primary data on ecosystems or ecosystem elements in OECD member-states and a number of other countries including Russia<sup>7</sup>, OECD experts deemed it necessary to develop a system for assessing socio-economic benefits of open data use. The methodology under development will provide instrumental determination of social and economic values to be subsequently measured using a series of quantitative and qualitative indicators. At present, there is a tendency to slowly move away from assessing economic efficiency on the basis of separate open data case studies or open data projects, but the task of developing a unified methodology economic efficiency assessment has been set. One more approach to measuring economic efficiency would involve value chain development at all stages of preparing, publishing and using open data. For the time being there more questions than answers here:

who is going to perform assessment?

what sociological, mathematical methods can one use for this purpose?

what can be regarded as an achieved effect proceeding from values and goals related to data disclosure?

### ***2.3. The Use of Intellectual Activity Results in Working with Open Data***

Since in most cases open data originates from databases containing the results of intellectual activities (RIA) (Civil Code of the Russian Federation, Article 1225), transfer of the right to use RIA contained within open data by the Russian Federation or other public entity (subordinate entity of the Russian Federation, municipal body) must be in keeping with the requirements of Part 4 of the Civil Code.

Current global practice shows that in most cases the rights of right owners whose work is published on the Internet (*inter alia* as a part of open data) are realized using Creative Commons licenses or their equivalents.

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<sup>7</sup> NRU HSE is a partner of OECD in this project.

A Creative Commons license is a standard right owner's statement allowing public at large to use their copyrighted work subject to certain restrictions depending on the type of license.

A draft of the Russian Federation Civil Code contains two types of instruments which can be regarded as equivalents of Creative Commons licenses:

- Right owner's statement granting any person the right to use free of charge the copyrighted scientific, literary and artistic works belonging to the rights owner or a neighboring right item on conditions and within the time period specified by the right owner which is posted on the website of an authorized federal executive agency (as worded in the draft Civil Code, Article 1233, para 6);
- open license, a license agreement whereby the right owner grants the user a simple (non-exclusive) license to use scientific, literary and artistic works which is concluded using a simplified procedure involving licensee's accession to the contract; all the conditions of this contract should be accessible to the public and made available in such a way that licenses become familiar with them before using the respective works (as worded in the draft Civil Code, Article 1286.1).

Since the State (or other public entity) holds exclusive rights for the results of intellectual activities contained in multiple open data sets, to streamline the procedure for granting the license to use these results it seems more appropriate to employ such an arrangement as issuing statement granting the right to use the results of intellectual activities on conditions specified by the right owner (as cited in the draft Civil Code, Article 1233, paragraph 6). However, the requirement to post the statement granting the right to use copyrighted works and neighboring right items on the authorized agency's website makes this instrument inconsistent both with the main concept underlying Creative Commons licenses and the key open data concept.

**Therefore, it is necessary to change paragraph 6 of Article 1233 of the draft Civil Code in such a way that the possibility to make a statement granting the right to use copyrighted works and neighboring right items is not linked to posting this statement on the authorized agency's website. Furthermore, wording of the statement granting the right to use copyrighted works and neighboring right items contained in open data should be adopted by a Russian Government Order.**

#### ***2.4.Unified(Joined) Open Data Portal of the Russian Federation***

In early September 2013 the Ministry of Economic Development of the Russian Federation presented **the first version of technical specifications for development of a joined open data portal of the Russian Federation.**

**According to a number of independent experts, the technical specifications failed to take into account request of many organizations** and included the statements that make this document inconsistent with the principles of government data openness.

Specifically, the following comments were provided:

- the technical specifications contain statements stipulating for development of software for automatic monitoring of data disclosure in the form of open data on the official sites of state authorities. Such an approach contradicts to the global and Russian national open data practices. All open data portals in the world operate on the basis of «personal areas» for government staff. A similar practice is adopted by most specialized portals in the Russian Federation such as “zakupki.gov.ru”, “bus.gov.ru”, Unified Analytical Information System of the Federal Tariffs Service, etc.;
- the data in RDF an Linked Data formats has not been collected in a separate module and there are no provisions for further work on data conversion to RDF;
- the document fails to provide sufficient resources to maintain and develop the Portal in 2014 at the level commensurate with its assumed role of an «icon of the State» and corresponding to the requirements of Open Data Charter signed at the G8 Summit;

- groundless focus on collaborative work at the expense of high-quality description of portal metadata disclosure, certificate registration and free license work;
- insufficiently detailed description of a large part of portal sections: open data cataloguing, array locator description, automated access to portal data, publication of public web-based services (API) and many other things;
- delivery deadlines for portal development and operational testing are too tight so that they in fact can damage the project both by opinion of Russian experts and foreign specialists monitoring open data on a global basis and calculating openness rating (Open Knowledge Foundation, Web Foundation, etc.).

### ***2.5. Adoption of and compliance with the G8 Open Data Charter***

At the G8 Summit in the UK, Russia assumed obligations arising under the Open Data Charter. The Charter<sup>8</sup> includes provisions related to the States' obligations to disclose data in open and machine-readable formats.

The Charter makes an emphasis on the following types of data (Table 7).

*Table 7.*

<b>Data type</b>	<b>Data Array Examples</b>
Companies	Company Register (Register of Legal Entities)
Crime and Law Enforcement	Crime rates, public security
Earth observation	Meteorological/weather observations and weather/climate data with agriculture applications including forestry and fisheries
Education	List of schools, performance scores, digital skills
Energy and Environment	Pollution and energy consumption levels
Finance and Contracts	Expenditure transactions, contracts issued, contract announcements, planned procurement, local budgets, national budget (planned and actual)
Geodata	Topographic data, postal codes, national maps, local maps
International Development	International aid, food security, extracting industries, land

<sup>8</sup> <https://www.gov.uk/government/publications/open-data-charter/g8-open-data-charter-and-technical-annex>



Data type	Data Array Examples
Government Accountability and Democracy	Contact details of civil servants, election results, laws and normative legal acts, data on civil servants' income (and income scales), and gifts received [by civil servants]
Health Care	Data on production of pharmaceuticals, recovery statistics
Science and Research	Genomes data, research and educational activities, results of experiments
Statistics	National statistics, population census, wealth, skills
Social Mobility and Welfare	Housing construction, health insurance, support for the unemployed
Transport and Infrastructure	Public transport timetable, broadcasting network coverage

A number of the above-listed data arrays were subject of international surveys embracing many countries around the world. The ranking of countries in accordance to their degree of openness has been published on the Open Knowledge Foundation website (<http://census.okfn.org/G8/>).

As at June 2013, Russia had the lowest ranking among G8 countries though its overall ranking (<http://census.okfn.org/country/>) was higher than that of New Zealand, Greece and Bulgaria.

The areas of gravest concern are:

- total absence of open licenses such as Creative Commons and Open Data Commons;
- critical shortage of open data on transport routes, timetables and transport infrastructure (railway and river transport, interregional bus routes, regional and municipal routes);
- the absence of certain key data in machine-readable formats, namely:
  - o public segment of the Company Register (Unified State Register of Legal Entities);
  - o election results;
  - o lack of national policy for information on environmental pollution collection and disclosure and the absence of the respective data in a machine-readable format and under open licenses.

Calculation of country rankings for 2013 started in September (<http://2013.census.okfn.org/>) and this year **Russian Federation's overall ranking is expected to improve due to disclosure of budget data. However, Russia can hardly aspire to become a leader in this field without resolving a number of fundamental issues.**

## **Appendix 1. The List of Orders of the Government of the Russian Federation Containing Provisions on Public Access to Information Held by State Agencies**

- 1) Russian Government Order № 510 of 24.05.2012 «On Adopting the Rules for Opening and Maintaining the Register of Certification Bodies and Accredited Testing Laboratories (Centers) and the Register of Accredited Experts as well as Furnishing Information Contained Herein»;
- 2) Russian Government Order № 615 of 19.06.2012 «On Adopting the Rules for Maintaining the State Register of Medical Products and Organizations Carrying Out Production of Medical Products»;
- 3) Russian Government Order № 633 of 25.06.2012 «On Establishing Official Statistical Recording of Socially Oriented Non-Profit Organizations»;
- 4) Russian Government Order № 644 of 26.06.2012 (as in force on 30.01.2013) «On the Federal State Informational System for Recording Information Systems Developed and Acquired at the Expense of the Federal Budget and Extra-Budgetary State Funds»;
- 5) Russian Government Order № 723 of 17.07.2012 «On the Unified Register of Issued, Suspended and Revoked Licenses for Production and Circulation of Ethyl Alcohol, Alcoholic and Alcohol-Containing Products»;
- 6) Russian Government Order № 802 of 04.08.2012 «On the Adoption of Rules for Providing by Federal Executive Agencies of Information on the Contents of Departmental Cartographic and Geodetic Funds under Their Authority»;
- 7) Russian Government Order № 851 of 25.08.2012 (as in force on 18.12.2012) «On the Procedure for Disclosure by Federal Executive Agencies of Information on the Development of Draft Normative Legal Acts and the Results of Public Discussion Whereof»;
- 8) Russian Government Order № 908 of 10.09.2012 «On the Adoption of Statute on the Posting of Procurement Information on the Official Website»;
- 9) Russian Government Order of № 1101 26.10.2012 «On the Unified Automated Information System «Unified Register of Domain Names, Website Page Indexes in the Information and Telecommunications Internet Network, and Network Addresses Allowing to Identify Internet Sites Containing Information wherof Dissemination in the Russian Federation is Prohibited»;
- 10) Russian Government Order № 1211 of 22.11.2012 «On Maintaining the Register of Mala Fide Suppliers Stipulated by the Federal Law «On Purchasing of Goods, Works, and Services by Certain Categories of Legal Entities»;
- 11) Russian Government Order № 1310 of 15.12.2012 "On Amending the Rules for Accreditation of Citizens and Organizations Engaged by State Oversight (Supervision) Agencies and Municipal Oversight Bodies in Oversight Activities (the amendments concern the Register of Accredited Experts and Expert Organizations recruited by State oversight (supervision) agencies and municipal oversight bodies to perform oversight activities);
- 12) Russian Government Order № 6 of 17.01.2013 «On Standards for Information Disclosure in the Field of Water Supply and Drainage»;
- 13) Russian Government Order № 80 of 04.02.2013 «On Adopting the Statute on the Procedure for Accessing Information Contained in the State Information System of the Fuel and Energy Sector»;
- 14) Russian Government Order of № 88 05.02.2013 «On Adopting Standards for Disclosing Information on Government Securities of the Russian Federation Contained in the Resolution Authorizing Issuance (additional issuance) of Government Securities of the Russian Federation and Report on the Results of the Securities Issuance»;

- 15) Russian Government Order № 107 of 09.02.2013 «On Amending Order of the Government of the Russian Federation № 149 of 4 March 2011» (concerning the Federal State Information System "Federal Management Staff Portal");
- 16) Russian Government Order № 129 of 16.02.2013 «On State Information Resources for Consumer Rights Protection»;
- 17) Russian Government Order № 327 of 12.04.2013 «On a Unified State Information System for Recording Civil Scientific, Research and Development, and Technological Works»;
- 18) Russian Government Order № 438 of 24.05.2013 «On the State Information System «Register of Organizations Carrying Out Educational Activities on the Basis of Government-Accredited Education Programmes»;
- 19) Russian Government Order № 494 of 11.06.2013 «On Adopting the Statute on Posting on the Official Site of Information on Total Revenue of Certain Types of Legal Entities and the Requirements for Such Information»;
- 20) Russian Government Order № 570 of 05.07.2013 «On Standards for Information Disclosure by Heat Supply Organizations, Heat Network Organizations and Regulatory Bodies»;
- 21) Russian Government Order № 582 of 10.07.2013 «On Adopting the Rules for Posting and Updating Information About the Educational Establishment on its Official Site and the Information and Telecommunications Internet Network»;
- 22) Russian Government Order № 662 of 05.08.2013 «On Carrying Out Education System Monitoring»;
- 23) Russian Government Order № 719 of 20.08.2013 «On the State Information System of Public Oversight in the Educational Sphere»;
- 24) Russian Government Order № 758 of 31.08.2013 «On Amending Standards for Information Disclosure by the Participants of Wholesale and Retail Electricity Markets».