OPEN DATA IN PHILIPPINES: AN ISSUE OF ACCESS AND AWARENESS

RESEARCH BRIEF

JESSAMINE PACIS

IT FOR CHANGE **I** 2017

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1. Whose data is it anyway?

As a democratic country, the Philippines values citizen participation in ensuring that people's voices are heard and that they are part of important decision-making processes. Such participation may be in the form of citizen forums, participatory budgeting or referendums, to name a few.

In this day and age, technology provides newer ways of engaging citizens; and governments are taking advantage of this. ICTs, including the Internet and social media, are utilised by governments to deliver services to citizens and encourage the public to participate actively in democratic processes. ICT-mediated and enabled participation plays a particularly significant role in the Philippines, which is considered a leader in mobile telephony. However, despite high usage of ICTs, the country still lags behind its neighbours in terms of broadband infrastructure and Internet access, thus precluding the full realisation of ICT-mediated citizen engagement.

In the Philippines, e-governance[1] started with the creation of the National Computer Centre in 1971, and has since, grown to include components such as computerisation of the government and the Philippines' commitment to the Open Government Partnership (OGP). Over the years, several government initiatives have attempted to bridge the gap between state and citizenry through the use of ICT platforms. These include public consultation and participatory initiatives such as Bottom-up Budgeting, *Budget ng Bayan, Perang Bayan,* and the Philippine Government Electronic Procurement System (PhilGEPS). Government agencies have also utilised online platforms as grievance redress mechanisms, such as in the case of the *Pantawid Pamilyang Pilipino* Program, *Mamayan Muna, Hindi Mamaya Na,* and Contact Center *ng Bayan.* Other notable government-initiated programmes that have encouraged citizen participation and served as a channel for citizen voice are the e-LGU Project, the Philippine Community eCenter (PhilCeC) Program, the Automated Election System (AES), and government social media accounts used for dissemination.

Civil society has also initiated a wide array of efforts that promote active citizen engagement on various issues. One such project is the Citizen Participatory Audit, an award-winning partnership between the Philippine Commission on Audit (COA) and the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP). Other civil society-initiated projects are Government Watch, *Bantay Kita, Pera Natin Ito!,* Pork Barrel Watch, Procurement Watch, Automated Election System Watch, Social Watch, Civil Society Index, and Civil Service Organizations: People's Participation Partnership Program.

Despite such progress in ICT-mediated citizen engagement and participation in the Philippines, there are still areas that need improvement. These include limited Internet infrastructure to access government portals, limited response from, and capacity of local citizen groups, and low awareness among government staff on the importance of existing projects and initiatives with civil society.

In the case of PhilGEPS for instance, only those who are connected can bid to supply the national government with services and materials. Only those who have Internet connection can

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1 E-governance upholds the essential interaction and collaboration of the three basic sectors, the state, civil society and the private sector (UNDP, 1997, as cited in the Report on the Rapid Assessment of ICT Utilization for Participation in the Philippines).

access the websites of government offices, where valuable information may be sourced, including opportunities to bid. This problem with Internet access has also stalled a smooth shift towards online only forms of government service delivery, as seen in the case of the Bureau of Internal Revenue's requirement to file tax returns using their electronic filing and payment system.

Issues of access and awareness must be addressed to maximise the reach and impact of ICT-mediated citizen engagement. In particular, awareness covers a broader scope than just information dissemination and must also include digital literacy, which can ultimately increase public uptake and participation. Integrated and inter-operable systems within and among government agencies should be developed to guarantee smooth and harmonised implementation of these efforts. Addressing these gaps would ensure that initiatives promoting citizen engagement are not only in place, but are also accessible to the entire citizenry, especially those marginalised groups that were previously excluded by traditional (non-ICT) platforms.

2. Open data in Philippines

Perhaps the most prominent example of the effect of this gap between supply and demand in the uptake of citizen engagement efforts is the case of Open Data Philippines (ODP). In 2011, the Philippines became one of the founding partners of the Open Government Partnership (OGP), which aimed to provide an international platform for domestic reformers committed to making their governments more open, accountable and responsive to citizens[2]. One of the commitments of Philippines, as part of the OGP, was the creation of a central information portal, which was addressed through the ODP portal (data.gov.ph) in 2014. In the 2013-2015 OGP Action Plan, the government committed to "provide more accessible government data in a single portal and open format." Similarly, access to information and open data were crucial elements identified in the Philippines Digital Strategy (PDS) of 2011-2015, to provide for transparency, governance and efficiency.

An Open Data policy for the Philippines finds basis in the Constitution, which includes a State policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law[3]. It also establishes the right of the people to information on matters of public concern, which includes access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development[4]. By the end of June 2016, which marked the end of former President Benigno Aquino III's administration, over 3,000 files of data were available on data.gov.ph.

A common issue experienced by the agencies involved in the ODP implementation was the lack of capacity in information management. Some agencies had no personnel tasked with managing agency data. Those who did, or decided to provide staff, found that personnels lacked technical skills required for data management. A clear realisation by the Task Force was

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2 See http://www.opengovpartnership.org/

3 Section 28, Article II of the 1987 Philippine Constitution

4 Section 7, Article III

that data is to be treated and managed as an asset. This became more clear when the Task Force requested agencies to submit an Agency Data Inventory (ADI), and less than 20 agencies submitted their inventories[5]. It is worth noting that the Open Data Task Force only focused on national government agencies in the executive branch with regard to promoting the programme and cooperation in the release of open data. As stated in the Joint Circular Memoranda issued by the Task Force, the judiciary, legislative and independent constitutional bodies were only encouraged, but not required to practice open data.

The general assessment of those involved in ODP Philippines is that open data from the government was more supply-driven rather than demand-driven. Some government agencies and the general public, by and large, were therefore not able to fully appreciate its usefulness. There is also the issue of digital divide that presents challenges for its uptake. Only those who are connected have access to the limited data published by government.

3. Open data, freedom of information, and citizen voice in the Duterte era

The Duterte administration is seen to have signalled a new era of transparency in the Philippines. Shortly after assuming office in June 2016, President Rodrigo Duterte signed an Executive Order (EO)[6] on Freedom to Information (FOI), mandating all Executive Offices to operationalise the people's constitutional right to information, subject to some exceptions.

In November 2016, Presidential Communications Secretary Martin Andanar announced that data.gov.ph, the Open Data portal introduced during the previous administration, will be reintroduced as the central database for all publicly available information released under EO No. 02. He was quoted as saying that, "While the FOI Program enhances the public's right to government information, Open Data Philippines provides the central portal where requested and proactively disclosed data and information may be accessed[7]." Apart from the ODP platform, a new electronic FOI (eFOI) platform was launched to manage information requests under the EO.

However, as with the ODP implementation, the FOI EO only covers government agencies and offices under the Executive branch. It will take the passage of an FOI law, one agenda that has been languishing in the Philippine Congress for decades, to finally employ and standardise FOI principles in the Philippine government, including the legislative and judicial branches. The question then still remains: in these existing attempts to elevate citizen engagement and amplify citizen voice through transparency and access to data and information, whose voices are being heard? Whose data is it, anyway? And ultimately, who benefits from the data?

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5 See Open Data Philippines (2015). First Wave of Agency Data Inventories Released, http://data.gov.ph/first-wave-of-agency-data-inventories-released/

6 Executive Order No. 2, S. 2016. (2016). Official Gazette of the Republic of the Philippines. Retrieved from http://www.gov.ph/2016/07/23/executive-order-no-02-s-2016/

7 PH to launch open data website on Nov. 25 (November 17, 2016). Retrieved from http://cnnphilippines.com/news/2016/11/17/PH-to-relaunch-open-data-website-on-Nov-25.html

4. Conclusion and recommendations

The Philippine experience with Open Data, as brief as it was during the first five years of the country's commitment to the OGP, showed that while citizen involvement increases knowledge, civic skills, and public engagement, and contributes to the support for decisions among participants, these effects are perceptible only to those taking part. When the number of participants is often small or particular groups are under-represented, the benefits to individual democratic citizenship are far more conclusive than the benefits to democracy as a whole. As the new administration embarks on the path of harmonising the Open Data and FOI initiatives, the primary challenge it will and should face is ensuring that citizens have the access (through the necessary infrastructure), technical capacity and literacy, and most importantly, a real and substantial value for the data and/or information that the state is committing to provide.

It is vital that the public doesn't just have access to data, but also understands its importance and how they can use it. Furthermore, open data initiatives cannot succeed without a greater framework and culture of openness, which includes interoperability of systems in government. Another aspect of developing such culture of openness is changing the attitudes of both government and public towards open data, as well as developing their technical capacity in information management.

It is with these learnings and considerations in mind that we make the following recommendations:

1. Government-wide policies that employ the key principles of openness and transparency of information – availability and access, reuse and redistribution, and universal participation[8] – are necessary in all operations. This includes strengthening and ensuring effective implementation of existing interoperability frameworks[9].

2. Campaigns and other initiatives for enhancing awareness of the public to the importance of open data in democracy are vital. Efforts must be made to bridge technological or cultural gaps that may inhibit the public from engaging proactively in Open Data and/or FOI.

3. A law on FOI that covers offices and agencies in all branches of government, and not just the executive needs to be passed. Multiple stakeholders from various sectors (civil society, academic, private sector) and regions need to be engaged in the process of FOI legislation.

4. A continuous programme on multi-stakeholder monitoring process for FOI and Open Data initiatives must be developed to ensure that the needs of the public are being met and appropriate ICTs and channels are being utilised. Administrators of and contributors to the Open Data platform (the supply side) must be able to monitor and analyse how the data they provide is being used by the public and by civil society.

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8 See https://okfn.org/opendata/

9 The Philippine e-Government Interoperability Framework (PeGIF) is a set of policy documents that set the standards for government agencies and their private industry partners for sharing and reusing data and information and operating applications in a uniform and efficient manner. Retrieved from https://i.gov.ph/interoperability-common-data-platform-to-enhance-government-processes/)

5. Access to Open Data and FOI portals should not be reliant only on individual Internet access. Options need to be made available for those who would like to request or access information but do not have reliable Internet access or the technological capability to process the available data.

6. Interactivity and reciprocity in the design of FOI and Open Data mechanisms must be ensured. Citizens must be able to engage critically with the information made available to them, not merely access or consume it. Feedback mechanisms, whether ICT-enabled or through consultative processes, must be in place to guarantee that citizen voice is heard and acted upon.

7. Data and information made accessible by open data policy frameworks must be used for participatory rule-making and other democratic practices. Both content and platforms must be designed and implemented with a view towards enabling the public to participate in governance.

Author profile

Jessamine Pacis is a Program Officer at Foundation for Media Alternatives in the Philippines. She does research and advocacy primarily on issues related to privacy.

About the project
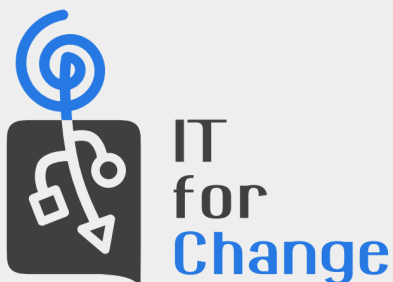
Research coordination team

Lead Researcher: Anita Gurumurthy
Research Associates: Deepti Bharthur & Nandini Chami
Design - Deepti Bharthur & Swati Mehta
Editorial Support - Swati Mehta

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