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DRAFT MODEL OPEN DATA POLICY WITH GUIDELINES

This draft model open data policy with sectional guidelines is a product of an open data policy stakeholder co-creation workshop held in Nairobi that brought together, national and sub-national governments, civil society organizations, private sector, academia and researchers from Kenya, Ethiopia, Rwanda and Sierra Leone to conceptualize what an open data policy would look like. It also benefited from input from a review of existing literature on open data policies, a review of implemented and draft (open) data policies from different national and sub-national governments across the African continent and input from the Burkina Faso National Agency for ICT Promotion. It presents a model policy for a fictitious African country called Wakanda with guidelines for potential adoption by national and sub-national governments and or Government Ministries, Departments and Agencies(MDAs).

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Definitions

- Archiving: is the process of transferring data that is no longer actively used to a separate storage device for long-term preservation

- Data: systematic collections of numerical and textual information in tables of numbers such as spreadsheets or databases
- Data disaggregation: is the classification of data by detailed sub-categories such as by gender, region or level of education¹
- Data preservation: the series of managed activities necessary to ensure continued access to digital materials for as long as necessary²
- Datasets: a systematized collection of data
- Machine readable: data in formats that can be automatically read and processed by a computer
- Metadata: Descriptive information about a dataset such as date, publisher, license, geographical information
- Open Data: data that can be freely used, re-used and redistributed by anyone - subject only, at most, to the requirement to attribute and share alike³
- Personal Data: information about an identifiable individual such as name, fingerprint, gender, sex, religion
- Public entities: for purposes of this policy, this document will adopt the definition in the Wakanda Right to Information Act, 2015 which refers to all public offices and institutions/commissions or agencies instituted under the Wakanda Constitution
- Reuse and Redistribution: presenting the data with licenses attached that authorize users to add value, share and combine with other datasets

This section provides definitions for any technical words used in the policy

BACKGROUND

Introduction

The data revolution emphasizes the role of timely, accessible, usable data to inform decision making, monitor progress, evaluation of outcomes and envisions the integration of data and statistics into

¹ <https://www.right-to-education.org/monitoring/content/glossary-disaggregated-data>

² <http://www.ifdo.org/preservation/>

³ <https://opendatahandbook.org/guide/en/what-is-open-data/>

decision making⁴, promoting access to and use of open data as a way of implementing evidence based development interventions to and strengthening accountability. The data revolution is therefore a critical movement to be leveraged by governments and other stakeholders as a way to improve socio-economic development outcomes.

The Government of Wakanda recognizes this growing momentum in the publication and use of data to inform, monitor and evaluate socio-economic development outcomes and improve its accountability to its citizens as is seen in the implementation of multiple interventions a major one being the launch of the Wakanda National Open Data Portal.

This policy further signals the Government of Wakanda's commitment to make data openly available and stimulate the use of open data. It proposes a framework for the effective implementation of a well-financed, adequately resourced and legislated open data initiative anchored in a resilient data ecosystem to live up to the government's commitments to enforce its citizens' rights to access information and to maximize the benefits of open data both for the populace and the government in the quest for evidence driven, inclusive and sustainable development.

Legal & Regulatory Framework:

Wakanda's constitution guarantees the citizen's right to access information held by public entities. This constitutional provision is further operationalized by the Right to Information Act, 2015 that spells out citizens' right to access information held by public entities, limitations to the right to access information, public offices' requirement to proactively disclose information and provides citizens with avenues for seeking redress when they are not able to access information from public offices. It also mandates the Wakanda Right to Access Information Commission the enforcing authority for the Act. Wakanda also passed the Data Protection Act, 2017, which provides a framework for processing personal data and a framework for the implementation of the Act.

At the continental level, Wakanda has ratified The African Charter on Statistics⁵ which spells out the right of users to access quality, timely, comparable statistics without restriction and which requires countries to guarantee this through domestic policies and laws. Wakanda also adopted the

⁴ <https://www.undatarevolution.org/data-revolution/>

⁵ The African Charter on Statistics https://au.int/sites/default/files/treaties/36412-treaty-0037_-_african_charter_on_statistics_e.pdf

International Open Data Charter⁶ in 2017 where it made a commitment to uphold the principles of making data open by default publishing accessible and usable, timely and comprehensive, comparable and interoperable data in the sharing of government data to achieve inclusive development and innovation and improve governance and citizen engagement.

Additional reference can be made to legislation and policies at the national/sub-national level on accountability and access, data protection, freedom of the press, freedom of expression and or privacy. This would also include any additional continental frameworks/global agreements that a country is signatory to and therefore bound by.

The state of open data

The Wakanda National Statistics Office is the official source of government statistics. The Government of Wakanda however through its digitization efforts has had different government entities publish data on their individual websites as a way of sharing data to advance government transparency and accountability to its citizens. While this presents forward looking efforts, this approach faces a lot of challenges including getting government entities to consistently publish data, lack of set standards for data collection, processing and publication across different government institutions and levels of government, restrictive licenses that limit users to only view the data, lack of infrastructure, training and financial resourcing to publish usable data and the general lack of a broader acknowledgement of data usage going beyond transparency and accountability to be leveraged for wide-ranging socio-economic development outcomes.

The Access to Information Act requires public entities to proactively disclose any information they hold with exceptions on sensitive information. An open data policy would therefore provide a framework through which the proactive disclosure component of the Act can be operationalized. With both the Access to Information Act and Data Protection Act in place, this policy proposes a framework for public entities to make available, usable, comparable data that can be used to inform, monitor and evaluate socio-economic development interventions while protecting the privacy of individuals.

⁶ The Open Data Charter <https://opendatacharter.net/>

This policy aims to address the current data sharing challenges to make it possible for timely, accessible and usable data to be published for the Government of Wakanda and other stakeholders to be able to benefit from the strategic benefits of a National Open Data Initiative which include:

- Improved government transparency and accountability to its citizens
- Improved civic engagement
- Improving the design and implementation of development initiatives through evidence informed decision making, monitoring and evaluation
- Spur innovation, entrepreneurship and research
- Reducing the costs of data production by cutting duplication costs

This section details existing efforts towards opening up data such as the existence of an open data portal, current financing approach, existing data, existing technical, skills infrastructure and gaps. It could also explore the potential benefits of the open data initiative to the county.

JUSTIFICATION AND SCOPE

Justification/Rationale

Data is globally recognized as a key enabler for evidence based, inclusive, innovative and sustainable development approaches. However, while governments generate a lot of data, a lot of it does not see the light of day with most of it never being shared/published, or when it is, the quality makes it impossible for it to be meaningfully used. Wakanda already has an existing institutional and legal framework that is meant to ensure data is produced and leveraged for development. An open data policy would serve to further provide a structure to support the publication and use of open data as a means to drive development by providing in the most granular way a structure, standards and metrics for government to proactively share data. This policy provides an outline for the publication of timely, accessible, usable, interoperable data that can spur innovation and inform evidence informed interventions to drive socio-economic development in Wakanda.

This section provides a justification for adopting an open data policy and its objectives. Potential reasons: Informed decision making, GDP contribution, better service delivery, innovation and entrepreneurship reporting, driving research, transparency and accountability-timeliness and visibility of development outcomes, data diplomacy, marketing, quality assurance, attract funding to address gaps.

Scope

This policy applies to all entities described as public under the Wakanda Right to Information Act, 2015. This therefore includes all government Ministries, Departments and Agencies (MDAs) both at the National and sub-national level, Commissions, public officers with limitations on certain datasets as spelt out in the Wakanda Right to Information Act, 2015 and the Data Protection Act, 2017 with relation to personal data. For datasets with limitations, public entities must attach the grounds for which the dataset is not published and made open. This policy also includes all public contracts and the data/information arising from their conception through to their implementation and evaluation.

This section details the institutions/individuals affected by the policy

MISION, VISION & POLICY OBJECTIVES

Mission

To establish a framework for the provision of adequate human capital, creating an enabling environment with enabling legislative frameworks, sufficient infrastructure and sustainable financing to stimulate the publication and use of open data for evidence based, inclusive, innovative sustainable socio-development approaches and a responsive public service.

Vision

Establish a transparent and accountable service delivery framework, improve civic engagement and achieve inclusive and sustainable socio-economic development.

Objectives

1. To establish a governance framework for the implementation of a national open data initiative
2. To establish a framework for financing open data
3. To establish a framework, metrics and standards for the collection, analysis, publication, use, feedback loop and archiving cycle of open data at all levels of government
4. To establish a framework for building human capacity and technical infrastructure for the national open data initiative
5. To enhance policy and legal framework for the implementation of the Open Data Initiative.
6. To provide a framework for tracking progress on the National Open Data Initiative
7. To stimulate the production and use of open data to drive data and evidence based decisions and innovation for better socio-economic development

This section details what the policy aspires to and further gives specifications of specific objectives of the policy

POLICY STATEMENTS

1.0 Policy Implementation

1.1 Governance Framework

Institutional governance framework is a challenge that the open data initiative in Wakanda has struggled with in order to effectively sustain the momentum on the publication and use of open data.

To address this, the Government of Wakanda shall therefore:

- a) Establish an institutional framework for the implementation of a National Open Data Initiative
- b) Mandate the Wakanda Ministry of Information, Communication and Technology, the Wakanda Right to Access Information Commission mandated to enforce the Right to Information Act, 2015 and the Wakanda National Statistics Office to oversee the implementation of the National Open Data Initiative
- c) Mandate the Wakanda Ministry of Information, Communication and Technology which is the custodian and implementer of the country's Information, Communication and

Technology(ICT) roadmap to be the host of and build out the infrastructure for the National Open Data Portal

- d) Mandate the overseeing institutions to constitute a National Open Data Steering Committee with representation from the Wakanda Ministry of Public Service, Ministry of Finance, Ministry of Planning and Wakanda National Archives to oversee the implementation of the policy
- e) Mandate the Steering Committee to constitute thematic task forces bringing together different stakeholders including private sector, civil society, development partners, academia to strategically support the work of the steering committee
- f) Institute structures within public entities to facilitate the implementation of the Policy and the National Open Data Initiative
- g) Commit to sustainably and consistently fund and provide human resources to implement the National Open Data Initiative
- h) Mandate the Steering Committee to conduct an initial baseline analysis of the open data ecosystem in Wakanda at both the National and sub-national levels of government to understand who the stakeholders, their roles and any policy gaps/inconsistencies inhibiting the implementation of a national open data initiative

This section details the oversight authority which could be a MDA/institution/steering committee/taskforce tasked with ensuring implementation and compliance with the policy and a breakdown of what their role includes to achieve the success of the policy.

1.2 Funding

A key element of operationalizing and sustaining an open data initiative is ensuring that there exists consistent and sustainable financing not just at the steering committee level but going down to all public entities. It's therefore imperative that the Government of Wakanda in collaboration with stakeholders implement approaches that ensure consistent and sustained financing for the open data initiative both at the national and sub-national levels of government. To address this, the Government of Wakanda in collaboration with stakeholders shall:

- a) Create a funding mechanism for the National Open Data Initiative
- b) Include funding for the comprehensive implementation of the National Open Data Initiative in the budget as well as factor in budget lines addressing human capital, physical infrastructure and technology related aspects in budgets for all public entities

- c) Take into account the needs of the three main implementing institutions, the Ministry of Communication and Technology, the Right to Access Information and the Wakanda National Statistics Agency as well as the Wakanda National Archives, needed to make the National Open Data initiative a success and provide funding for them. This would include all human capacity, technology acquisition and maintenance, physical infrastructure and training needs
- d) Budget for the Open Data Steering Committee and all its activities in overseeing and implementing this policy and the National Open Data Initiative.

This section provides costing for all the aspects required to make open data a reality such as human capital and skills development, technology acquisition/development, data management and identifies sustainable ways of meeting the set out costs such as a dedicated budget line from government, public-private partnerships, data monetization, development partners.

1.3 Incentives

The place of incentives cannot be understated in maintaining the push on publishing, consistent updating and use of open government data. Integrating a realistic incentives structure is an important way of further enabling the publication of open government data. To address this, the Government of Wakanda through the Ministry of Public Service shall:

- a) Require all public entities to include indicators addressing openness in their performance contracts and reporting frameworks

Open Data Steering Committee shall:

- b) After a review period publish/share lessons in good practice in the publication and use of open government data
- c) Require public entities in their reporting to include incentive structures they have adopted to stimulate the publication and use of open data.

This section addresses what incentives could be put in place to have publishers consistently publish and promote better uptake and use of the data. It could include leveraging any proactive disclosure requirements in existing legislation such as access to information and those related to public finance management, mandatory reporting frameworks, recognition, publicizing good practice, opportunities to speak at trainings and mentorship, feedback loops, including openness in performance indicators

2.0 Open Data Processing and Publication Processes

2.1 Data Collection/Sourcing and Publishing

Public entities constitute multiple institutions, collecting, processing, analyzing and publishing different data types with different frequencies. To be able to be understood and compared at a macro level, the data needs to observe set standards and prescribed metrics. To address this the Government shall:

- a) Establish the National Open Data Portal as the official digital repository of open government data
- b) Mandate the Ministry of Information, Communication and Technology, the mandated custodian of the National Open Data Portal, to set up working teams specifically working to source data from public entities for publication, clean the data, publish the data on the portal without required registration by users, process information requests approved by the Steering Committee, relay information on declined requests, share feedback to the relevant public entities from the portal
- c) Mandate the National Statistics Office in collaboration with the Ministry of planning through the Open Data Steering Committee to support public entities to develop comparable metrics, standards, metadata for different units of government

The Open Data Steering Committee shall:

- d) Create and inventory the data held and published by all public entities including details of the frequency of the data collection, the granularity of the dataset, and its status as restricted, sensitive or sharable, publish the inventory on the open data portal and update the inventory every reporting period for public entities
- e) Develop an Implementation Plan to further operationalize this policy to provide proactive steps for public entities to successfully implement it. It should detail reporting timelines, targets, advocacy efforts, a guide to publish the data open by default, provide a data management plan that defines data quality and standards, proposes data sharing agreements/procedures and provides conditions for classifying data as shareable, restricted or sensitive
- f) Approve public entities' classification of sharable, restricted and or sensitive data
- g) Set up request/feedback channels on the Open Data Portal to allow for interaction with users and feedback integration in future published datasets

Public entities shall:

- h) Update the data inventory during each reporting cycle while providing justifications for their classification of sharable, restricted and sensitive anchored in law
- i) Meet the terms set out in the standards and procedures for publishing open data as communicated by the Open Data Steering Committee and present this in a domesticated implementation and data management plan
- j) Consistently release data to the Open Data Portal without restrictions
- k) Adapt context specific ways of availing open data across different levels of government beyond the National Open Data Portal

This section could address: Conducting an inventory of existing data, where the data will come from, what data will be collected and stored, where the data will be published

2.2 Data Publishing Standards

In the shared Implementation Plan the Open Data Steering Committee shall prescribe the following as the set standards for all the data published on the National Open Data Portal:

- a) Publish data in timely cycles. At any one point, no public entity shall go into 2 reporting periods without publishing data
- b) Publish data in machine readable formats Comma-separated values(CSV), JavaScript Object Notation(JSON), Extensible Markup Language(XML)⁷ to make it easy for users to reuse and repurpose the data with a preference for CSV files and KML, GeoPackage⁸, GeoJSON and TopoJSON⁹ for geospatial data.
- c) Provide metadata for all published datasets
- d) Adequately disaggregate the data published by detailed sub-categories such as by gender, region or level of education

This section could address: Data formats- well-structured, machine-readable formats, clear metadata, documentation, adapting open data to the realities of sub-national governments, updates- how frequently is the data updated, prescribed formats or standards adopted

⁷ <https://opendatahandbook.org/glossary/en/terms/machine-readable/>

⁸ <https://www.esri.com/en-us/arcgis/open-vision/standards/open-standards>

⁹ <https://www.e-education.psu.edu/geog585/node/691>

2.3 Data licensing and reuse rights

The essence of openness is for users to be able to use, re-use, repurpose and redistribute datasets. As such the Open Data Steering Committee shall:

- a) Adopt the CC by Attribution license¹⁰ which allows users to re-use, repurpose, add value to and redistribute the data by crediting its source in the publication of datasets in the National Open Data Portal
- b) Provide a permanent link for all published datasets to support referencing of datasets

This section could address:

- License under which data will be released
- Access restrictions- who the data is open to and exceptions in case data is being monetized
- Clearance Rights throughout the process from collection to publication
- Is access permanent for accurate referencing over time?
- Is the code for technology tools developed as part of the process of opening up data open?

2.4 Identifying and Prioritizing data for release

Section 2.2 (a) provides timelines for data publication by public entities. This dictates the order in which public entities release data. However, public entities shall:

- a) give priority to user requests and respond to these requests in a period not longer than 30days
- b) factor in substantive and approved user feedback in the next reporting cycle

This section could address:

- Adoption of either proactive or reactive disclosure
- What determines what data will be released first; can user requests/feedback influence data prioritization for release

2.5 Privacy Considerations

The Wakanda Right to Information Act, 2015 and Data Protection Act, 2017 and the 2 legislations that underpin privacy considerations in the publication and use of data in Wakanda. The Right to

¹⁰ <https://creativecommons.org/licenses/>

Information Act, 2015 prescribes what can be shared and what is considered sensitive information while the Data Protection Act, 2017 provides a framework for processing personal data to protect the identities of individuals. To live up to these laws, the Open Data Steering Committee shall in the publication of data on the National Open Data Portal:

- a) ensure that all public entities adhere to the set criteria in the Right to Information Act, 2015 and Data Protection Act, 2017 in determining sensitive and restricted data and in the processing of data involving personal information

This section could address:

- Privacy Impact Assessments
- Anonymization
- What data is shareable and therefore suitable to be released, restricted and or sensitive and therefore private
- How is personal data handled?
- Are the decisions made here anchored in any existing legislation?

2.6 Third Party Data

There are multiple stakeholders within Wakanda generating a lot of data that could be instrumental in driving socio-economic development but is hardly used since policy makers and stakeholders more generally are unaware of its existence. Currently, the National Statistics Office and government entities only publish government data which continues to leave out third party data. To address this the Open Data Steering committee shall:

- a) Set up a section for third party data on the National Open Data Portal
- b) Set up multi-channel mechanisms for third parties to request to have their data added to the National Statistics System(NSS)
- c) Prescribe a framework with standards that third parties have to meet to have their data accepted and published on the National Open Data Portal to maintain a standard of authoritative/correct data being published
- d) Provide Feedback to third parties when their requests are declined

This section sets out a criterion for accepting, reusing, consuming, republishing third party data.

2.7 Archiving

The Wakanda National Archives is the institution tasked with preserving public records and make them accessible. Access to archived data/information if access is tied to physically accessing the facility, necessitating the preservation of archived content in digital formats to enable better access. To address this the Open Data Steering Committee shall therefore:

- a) Mandate the National Archives to digitize and index all the public records available

The Wakanda National Archives shall:

- b) Make available a public online inventory with all the necessary metadata for all available records
- c) Set up a multichannel framework for requesting access to archived documents and for making payments for the documents
- d) Consistently update the online inventory of archived documents

This section Could address how long the data collected and published will be maintained and stored for, how to access archived data, provision of metadata for archived data

3.0 Improving Capacity for Open Data Publication and Use

A key element of operationalizing and sustaining an open data initiative is ensuring that there exist skills and technical know-how by everyone involved to be able to effectively implement it. To further signal its commitment, the government of Wakanda shall:

- a) Based on the gaps identified in the initial situational analysis conduct capacity building trainings and or consistent refresher trainings with public entities where necessary on technical aspects of open data as well as the value proposition for open data
- b) Conduct trainings and workshops with external stakeholders on the value proposition for open data in the push towards sustainable and inclusive socio-economic development in Wakanda such that they're able to unlock its benefits
- c) Champion individuals/institutions using innovative approaches in the implementation of open data initiatives

This section addresses a commitment to addressing human, skills, technology and a general mechanism/commitment to stimulating uptake/use of published data through trainings, events, workshops etc.

4.0 Partnerships

Informed partnerships help to strengthen Open Data Initiatives. These partnerships could span a number of partners including private sector, government, Civil Society Organizations(CSOs), Non-Governmental Organizations (NGOs) research institutions, academia and or development partners on financing, data sharing, infrastructure support which bring together multiple interests. To help navigate this, the Open Data Steering Committee shall:

- a) Prescribe agreements to be adopted by public entities as part of the implementation plan defining the bounds within which all parties operate

This section lays out how to navigate partner relationships. It could address potentially prescribe data sharing agreements with partners as part of the guidelines to define data sharing parameters., defining whether the partners are bound by the policy and in what instances

5.0 Legislative Framework

The availability of an overarching law on open data is internationally acknowledged to be a critical enabler for the successful implementation of open data initiatives. While Wakanda currently has Access to Information and Data Protection Acts that currently inform the implementation of a National Open Data Initiative in Wakanda, they have limitations since the former only lays out what information public information should make public and mechanisms for redress and the latter only focusing on personal data. The passing of an open data legislation would set out clear standards, procedures and principles that need to be adhered to in the processing, publication, archiving, access and use of open data. It however needs to be acknowledged that the process of putting together a legislation would have to take into account all existing legislation relevant to open data in Wakanda and stakeholders involved in the complete cycle of open data publication and use.

To address this, the Government of Wakanda therefore shall;

- a) In consultation with stakeholders enact a new legislation on open data and an overarching regulatory framework for the execution of open government data

MONITORING AND EVALUATION

To be able to assess the success of the policy and the progress made towards opening up data, a set threshold needs to be established. All public entities will track progress against a suggested set of indicators quarterly and submit reports to the Open Data Steering Committee which will in turn report to the Wakanda Right to Access Information Commission. The Steering Committee will in turn conduct an evaluation for public entities midway through the policy implementation period. See below for a list of proposed indicators for key aspects of open data collection, publication, usage and continued capacity strengthening for both public entities and the Steering Committee.

Demand	<ul style="list-style-type: none"> - Number of page visits - Number of datasets downloaded - Number of open data requests received with a breakdown of those granted and declined - Number or engagements with external stakeholders - Number of existing use cases spanning from the published data
Supply	<ul style="list-style-type: none"> - Number of datasets published and where published(url) - Number of datasets made available outside of the National Open Data Portal - Percentage of up to date datasets & delayed datasets - Publication of a publishing plan - Percentage of datasets with restrictive licenses and those published as open - Percentage of datasets fully complying to the policy specifications - Publication of a data inventory
Capacity Building	<ul style="list-style-type: none"> - Number of internal (Open) Data related trainings conducted (attendance lists) - Number of individuals trained externally with specification on provided training (proof of attendance)
Infrastructure & Resource Support	<ul style="list-style-type: none"> - Number of staff working on open data - Financial resources dedicated to open data and their source - Technological infrastructure procured/availed for open data

Table 1: Indicators for public entities

Demand	<ul style="list-style-type: none"> - Number of page visits on the national open data portal - Number of datasets downloaded from the national open data portal - Number of datasets made available outside of the National Open Data Portal - Number of open data requests received with a breakdown of those granted and declined - Number or engagements with external stakeholders - Number of existing use cases spanning from the published data
Supply	<ul style="list-style-type: none"> - Percentage of public entities publishing open data on the portal or otherwise - Percentage of public entities fully complying with the policy publication guidelines - Percentage of public entities with a data inventory - Percentage of public entities with a publication plan - Total number of open datasets published - Number of third party datasets published and declined requests
Capacity Building	<ul style="list-style-type: none"> - Number of internal Open Data related trainings conducted with specification on provided training - Number of individuals trained externally with specification on provided training (proof of attendance)
Infrastructure & Resource Support	<ul style="list-style-type: none"> - Number of staff working on open data - Financial resources dedicated to open data and their source - Technological infrastructure procured/availed for open data

Table 2: Indicators for Open Data Steering Committee

Indicators for success of the policy based on the objectives. What does success look like and how will it be measured (metrics) and communicated. It may include general targets for the quality and quantity of open datasets to be published for the duration of the policy before review and or indicators on: data supply and use, capacity building, engagement and resources. Such as, number of open datasets released and or downloaded.

POLICY REVIEW

This policy will be reviewed after a period of 3 years. The review process will entail the Open Data Steering Committee and supporting task forces holding consultations with key stakeholder groups both at the national and subnational level based on the findings of the readiness assessment.

This section spells out the timespan covered by the policy, what the procedure for its review is (Feedback/ public participation) and who will undertake its review.

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THANK YOU!