The Organization Gap in the Provision of Public Information and Open Data - The Case of the City State of Bremen, Germany

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Abstract: Many guidelines, handbooks, and implementation models for open government data have a strong technological bias and are rarely based on empirical evidence. For the non-technical aspects, moreover, nearly all advocate a cultural change towards more openness. A case study of the City State of Bremen, Germany, which has a relatively long tradition of providing government documents proactively via a central Internet portal, reveals evidence that organizational aspects are more important. Figures collected show differences between publishing information and registering them in the central portal, and that the low registration rate is due largely to a lack of clearly defined processes and responsibilities, in particular for the pro-active mode of provision. The paper presents figures on the different degrees of compliance with publication obligations by departments, a critique of the present organization structure, an alternative model for the publication of documents, and argues that raw data should be provided primarily on demand.

Keywords: Freedom of Information Act, Implementation Models, Open Government Data, Organizational Culture, Organizational Integration, Technical Integration

Some Remarks on the Present Discussion of Open Government Data

There is high consent in academic discussions, political debates, and public opinion polls that today’s governments have to become more open in order to meet citizens’ expectations. Open Government, as originally defined in the Directive of US President Obama (e.g. Lindner and Wilson 2011, Ubaldi 2013), is characterized by transparency, participation, and collaboration, with Open Government Data as the foundation and enabler of such a government. I argue that there are a few misconceptions in this debate that run the risk of neglecting important aspects and giving wrong or short-sighted recommendations.

Open Government Information: Documents + Data

Stage models such as the Open Government Implementation Model of the City of Vienna have a strong technological bias in defining open data as the foundation for participation and collaboration (Krabina et al. 2013). Participation and collaboration are social processes performed by human beings with varying degrees of technical support. Data are defined as machine-readable information. The main concern in practical processes of citizen participation is access to government documents, in paper and/or electronic form, and not to raw data. It may at times be helpful to obtain access to the raw data on which reports and expert opinions are based, but, more often than not, information easily readable by human eye is much more relevant for Open Government than machine-readable data (see also Hu & Robinson 2012).

While most open data portals in Germany take this relationship into account and include documents, they tend to neglect the difference in content and context. Opening government...
documents has a long tradition, mostly under the heading of Freedom of Information (FoI), and has been established long before the advance of information and communication technology (ICT) in the government-citizen interaction. Therefore, some authors recommend the OGD community should take a closer look at developments in this field, which is more concerned with the relevance of information, conflicting citizens rights, and legal provisions rather than with technical issues such as data catalogues, data formats, and licenses (e.g. Hu & Robinson 2012, Ubaldi 2013, 4ff.).

**Open or not ? - No Simple Decision**

The FoI regime is characterized by strong legal regulations, As most government information concerns various basic rights, their publication requires a delicate balance between the fundamental right to know and the privacy rights of the people concerned, business secrets, security requirements, intellectual property rights, etc.. While this is at the core of most of the FoI legislation, OGD advocates try to avoid this problem by simply defining open data as data that is not personalized. As the issue of personalized and non-personalized data is by no means black and white, in many cases some data fields have to be eliminated from larger data sets before publishing, equivalent to blackening lines with personal information in documents. This task has to be assigned within each agency and requires legal and subjectrelated qualifications.

**Re-active and/or Pro-active Modes of Opening**

Mary Francoli (2011) identifies two models of information management for opening government information, a re-active and a pro-active mode. Pitrowski (2010) speaks of a pro-active and a requester model. The re-active or requester model includes the right of access to certain kinds of government information by request. A unit within in each agency decides on each individual request and whether it is in line with the legal obligations and whether some of the exemptions mentioned above apply. In the pro-active model there is a legal obligation, internal directive, or encouragement by the head of an agency to publish certain kinds of information on an Internet platform of the agency or at a higher level of government.

The open data community, without a doubt, demands a pro-active mode for all kinds of non-person related data and criticizes the FoI regime because of its re-active mode. But this correlation does not hold true for all cases, in particular not for the case of Bremen, where the relation is exactly the reverse: Documents are published pro-actively in a central information register, while raw data are provided by request. The reasons for doing so will be explained later in the paper.

**Cultural and/or Organizational Barriers**

Most studies on barriers to opening data (and documents) refer to cultural barriers, in particular an antiquated, outmoded culture of the official secret principle, and advocate a cultural change as a prerequisite for successful implementation of OGD (e.g. Krabina et al. 2013, Ubaldi 2013). This approach, however, is based on prejudice and not on evidence, and it does not define what constitutes a culture and how it can be changed. Furthermore, it neglects other barriers, which in reality are arguably more relevant.

Organization culture is a multi-dimensional phenomenon including visible artefacts, conscious attitudes, and underlying basic values or norms. According to Schein (2004), it is not only about “What leaders pay attention to”. In order to assure compliance it requires an appropriate
organization structure, systems, and procedures. But there are not many papers on open data dealing with intra-organizational issues, and those that do touch on the issue do so only in a quite general way. As an example, a recent paper issued by the OECD stresses the need for “appropriate institutional structures” to “ensure that those making decisions about the release of data do so in a rigorous and consistent fashion” (Ubaldi 2013, p. 34). With regard to the internal organization, Ubaldi points to the need for establishing “adequate workflows for data gathering, integration, validation, release, approval, gratings, update and re-use or promotion”. But rather than providing examples of what adequate workflows may look like, she only adds that in some cases the process of online data release is supported by an organizational culture of data-sharing and re-use which facilitates process reengineering, while in other cases the internal culture of public sectors institutions is not conclusive.

Another example is the Open Government Implementation Model developed by the Centre for Public Administration Research and the Office of the CIO of the City of Vienna. It speaks of a “control gap” in Data Governance with respect to the release of data in OGD portals (Krabina et al. 2012, p. 6) and identifies the production of data catalogues, internal data monitoring, and the planning and implementation of approval cycles as new tasks of Data Management or Data Governance in the public sector. The Model suggests 10 steps or measures for implementing Open Data in an agency (pp. 27–28). The basic goal is the establishment of an OGD Competence Centre for internal and external communication. While for most of the tasks methods and checklists are presented, the local organizational provisions in the data owning units are not discussed in detail.

In summary, most of the OGD literature takes a position outside the government agencies and deals with the interface with external partners. It concentrates on the demand for data, modes of delivery, and conditions for re-use, e.g. data catalogues, search functions, meta data, data formats, licenses, fees, but does not concern itself with how these requirements may be met within an agency. And the few contributions that do address this issue tend to give recommendations that are rather general and based on expectations and not on evidence. However, the City State of Bremen provides some evidence on intra-organizational regulations for a pro-active mode of Open Information as well as on the compliance to these rules and the reasons for deviations. A study undertaken for the Bremen Senator of Finance offers the unique opportunity to take a detailed look from inside. Of course a case study does not allow for generalizations, but it is good for the falsification and differentiation of common views and misconceptions. Moreover, this exploratory approach allows for the identification of hitherto neglected issues and factors.

The Advanced Regulations and the Lack of Compliance with Bremen FOI

Bremen is the smallest of the sixteen Federal States in Germany, with 650,000 inhabitants living in the two cities Bremen and Bremerhaven. Each has its own state and city government and state parliament. Many government processes are subject to state legislation.

FOIA Regulations in Bremen

Bremen was not the first Federal State in Germany to issue a Freedom of Information Act (FOIA), but in 2006 it enacted the most advanced legislation in Germany. Like the other state Acts and the federal Act in Germany, the BremFOIA allows access to public information without special reasons, barring five exceptions, e.g. privacy concerns, business secrets, intellectual property rights, public concerns, in particular public safety and security, as well as ongoing decision making processes. In
addition, all government agencies in Bremen must publish certain kinds of documents and register them in a central electronic information register, which can be accessed online at www.bremen.de. Publication is mandatory for a handful of documents, such as organization and filing plans and administrative directives (Section (2) and (3) and (4a)) while “further suitable documents” listed in Section (4) shall be published pro-actively (see Figure 1).

§ 11 Disclosure Requirements

(1) The authorities should maintain registers by which existing information collection and purposes can be identified.
(2) Organizational and filing plans without reference to personal data are to be made generally available in accordance with the provisions to this Act.
(3) Every public authority shall publish the administrative directives and instructions of general interest, which have been issued or changed after this Act has come into force. There will be no publication if an application for access would be rejected under this Act.
(4) The authorities shall make the plans, directories, and directives mentioned in clause 1, 2, and 3 as well as other suitable information without any reference to personal data or business and trade secrets generally available in electronic form and report this information to the central information register according to clause 5. Further suitable information includes: recommendations, statistics, expert opinions, reports, brochures, judicial decisions existing in the agency, information to which access has been granted already under this Act, the Senate decisions and its communications to the state parliament as well as documents, records and decisions of public meetings.
(4a) Clause 4, sentence 1 shall also apply to contracts of general interest, concluded after 12 March 2011. The contracting party according to § 1, clause 1 gives notice of this before the closing.
(5) The Free Hanseatic City of Bremen sets up a central electronic information register in order to facilitate finding the required information. The public authorities are obliged to report on particular laws, ordinances, published administrative directives, and rules and agreements with employee representatives to the information register.
(6) Details are regulated by decree of the Senate.

Figure 1: § 11 Brem FOIA (own translation)

It took nearly two years to set up the central information register and the procedures and tools for decentralized registration. The register is a reference database with standardized meta data, while the original documents are held locally by their respective owners. A special registration module has been provided to all agencies within the common content management system for the website www.bremen.de by the central IT and eGovernment unit under the direction of the Senator for Finance (Finance Ministry) as well as a user manual providing lists of meta data.

One year after implementation the state FoI commissioner in his annual report noted that only few documents had been registered and consequently asked the Senate for improvement. The Senator for Finance, responsible within the State Government, established a task force with representatives from the other government departments that initiated three regulatory measures:

- a decree that relieves the agencies of running their own directory of public documents in case they use the central register,
- an addition to the Senate’s internal rules of procedures that all agencies have to apply the technical and organizational standards issued by the Senator of Finance, including the set of meta data mentioned above,
- for each decision taken by the Senate an obligation to assess whether the decision and the respective documents are suitable for publication according to the provisions of the FoIA.

But even within the Finance Department itself and after reminders, only a handful of units registered a few of their administrative directives and instructions.
The FoIA Evaluation in 2010

The Act had been limited for five years and its further existence was dependent on a positive evaluation. The author of this paper has been commissioned with this evaluation (Kubicek and Lippa 2010).

There are about 150 agencies falling under the BremFoIA. In February 2010 they had registered 3,053 documents. These agencies were sent a short questionnaire about their experience with requests and pro-active publishing, and, for example, were asked how many documents of the different kinds specified they had published so far. Only 36 questionnaires were returned, and not all of them had been answered completely. With regard to the obligatory documents, only 21 of the 36 agencies had published and registered their organization plan, and only 12 registered administrative directives. And for the “further suitable documents” which “shall” be published, the registration rate was even lower: Only nine agencies had published “Decisions taken by the Senate”, seven published “Reports” and six “Minutes of public meetings”.

In the survey the FoIA Officers were asked about reasons for the low registration rate in terms of the extent that they agreed with a few statements. One such statement was about resistance against the unconditioned access to official information (Figure 2).

![Figure 2: Resistance to access according to Brem FoIA (Survey of FoIA Officers 2010) (n=28)](image)

Only two FoIA officers reported that no one in their agency thinks this way. Fifteen said “only a few”, and three said “applies to most members.” Although this indicates some kind of cultural barrier, altogether the interviews led to the conclusion that, with but a few exceptions, low registration was mostly due to a strong organizational asymmetry between the two modes within the BremFoIA: While there is a clear task assignment for dealing with incoming requests (re-active mode) and the technical editorial work was clearly assigned, the selection and assessment of suitable documents in the pro-active mode was however much less straight forward.

In order to overcome this deficit, the evaluation report recommended to define the task of the FoIA officer in the agencies more clearly in order to relieve them of running statistics of requests. The goal would be to have them elaborate a detailed plan together with the head of the agency and the press office, for which documents, in particular reports, expert opinions, and directives shall be published. Moreover, there should be reports on the status of the plan every six months. While the BremFoIA was extended by the State Parliament in 2011 and the obligation for statistics was removed, nothing was added concerning the organizational issues of the pro-active mode.
Technical improvements

Instead of negotiating organizational issues with her Senator colleagues, the Senator of Finance ordered the removal of some of the technical barriers identified in the evaluation study. One member of the IT Unit was commissioned to establish a working group of FOI officers from the departments and assigned a budget for IT projects. We may call her and the working group the FoI Competence Centre.

The group decided to investigate the extent to which the registration of documents can be automated and how the search function may be improved. Automated registration was the easiest for press releases since there is a web-based press-archive within the same Content Management System. Several government departments are filing their communication with the parliament and parliamentary committees. The FoIA Competence Centre within the IT Unit developed a tool that browses the archives and selects the meta data. The implementation of the automatic registration of press releases led to a huge jump in the number of registered documents in 2013 ( Table 2).

Another measure was to improve the search function. When developing the technical concept of the register, the author of this paper and the staff in the IT Unit were convinced that an index-based search would deliver better results, but it turned out that the quality of the search results completely depends on the quality of indexing, which was revealed to be disappointingly poor across the departments. People are used to the Google search and to entering key words for a full text search. As the register is only a reference database and the documents are stored locally, a trick was found to allow for a full text search by entering either a summary or the entire document text in an additional meta data field.

Additional dynamics from an Open Data Competition

So far the regulation and practice in Bremen dealt with documents. An extension with regard to raw data in an open mode became part of the agenda in January 2011 when the German Federal Ministry of the Interior invited the federal states to participate in building a common Open Data platform. This served as a starting point to participate in an Apps4Germany competition by providing useful data sets. As the newly elected senate also had planned for an Apps4Bremen competition in its coalition treaty, Bremen joined the federal competition and introduced an additional category with an award for developers from Bremen (data would however be availabled to all developers). As the prizes were to be awarded at the CeBIT 2012, there was a clear timeline and deadline for the acquisition of data from the government departments.

The author of this paper was commissioned to conduct a feasibility study on OGD in Bremen and to prepare for the App4Bremen competition. Interviews were conducted in several departments to create a starting inventory of data sets. Because of the commitment in the coalition treaty and the deadline resulting from the integration in the national competition, many concerns brought forth by data owning bodies could be overcome:

- First, within each department the owners of possibly relevant data had to be found. Neither the FoIA officer nor the editors of the central information register felt responsible because it was not about documents, but about data stored in large legacy systems or in local Excel files. Several iterations were needed to obtain a release decision and to clarify the technical and legal conditions such as privacy obligations, liability, licensing, and charging issues.
- In technical terms, dynamic data in particular, such as the scores of water or air quality testing, raised new questions. An Excel file can be made accessible by download as simply as a PDF
Dynamic data are updated continuously or at regular intervals. External access to the respective internal database would be desirable, but, due to security reasons, cannot be allowed. The environmental department was very cooperative and creative, and set up a tool to update the water quality data on a weekly basis.

- It did not seem appropriate to integrate the data sets into the central information register by the same meta data as documents as they do not have an author, a date of publication, or a type of document. Rather, relevant attributes are data formats, licence conditions, cycles for updates, granularity, etc. Since it was too early to establish a new meta data standard for open data sets, a free text product sheet has been proposed. In some cases it turned out to be more complicated to get this product sheet from the data owners than the data itself.

The data sets and product sheets were published via a separate data catalogue available at www.bremen.de. The Apps4Bremen competition was successful for several reasons:

- There was active participation of app developers from Bremen and beyond.
- Interesting apps have been developed and submitted. One of them was selected by Microsoft as a prototype for a generic City Cruise (“Open Cities Bremen”).
- The Free Hanseatic City itself was awarded one of three prizes for the provision of its budget data by the Federal Minister of the Interior at the CeBIT 2012.

For further extension, an online request form and process have been provided: Incoming requests are immediately published on www.daten.bremen.de. The FoIA Competence Centre forwards the request to the data owning unit and the processing is visualized by traffic light symbols. All the data from the Bremen catalogue (are forwarded to the national OGD portal www.govdata.de. With more than 100 records, Bremen is among the Federal States that submits the most data sets to the national portal.

**The Compliance Study 2012**

In October 2012, Hamburg, another German City State, replaced its State FoIA with a Transparency Act, demanding the pro-active publication of a larger list of documents as well as any raw data held by the government, barring the traditional exemptions (privacy, business secrets, security, etc.). This initiated a debate in the Bremen parliament about a further amendment of the BremFoIA. Before revising the Act, another evaluation has been commissioned to ifib. This time an in-depth study of four government departments has been carried out: Education and Science, Environment and Construction, Finance, and Social Welfare, Youth and Women.

To prepare for the interviews a comparison has been made of the number and kinds of documents in the Central Information Register and those published on the departments’ websites within www.bremen.de. The data show some very interesting differences (Table 1).

**Table 1: Number of documents centrally registered vs. published on local web-sites (Feb. 2013)**

<table>
<thead>
<tr>
<th>Kind of document</th>
<th>Press releases</th>
<th>Senate communications</th>
<th>Administrative directives</th>
<th>Reports</th>
<th>Contracts</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>2172</td>
<td>2172</td>
<td>469</td>
<td>???</td>
<td>58</td>
</tr>
<tr>
<td>B</td>
<td>1410</td>
<td>1410</td>
<td>23</td>
<td>&gt; 50</td>
<td>6</td>
</tr>
<tr>
<td>C</td>
<td>1268</td>
<td>1268</td>
<td>546</td>
<td>???</td>
<td>64</td>
</tr>
<tr>
<td>D</td>
<td>1909</td>
<td>1909</td>
<td>26</td>
<td>???</td>
<td>57</td>
</tr>
</tbody>
</table>

- Press releases make up by far the largest share of all documents in the register
- Communications of the Senate, although not obligatory, are the second most frequently registered type of documents. There is no central archive and no separate section on the
department’s web sites. In each department there is however one liaison person responsible for the cooperation with the Senate’s chancellery and, with the exemption of Department B, they register the documents themselves.

- Although according to the law, administrative directives must be published and registered, they are not. The number of documents on the web sites is much larger and, again, Department B shows an extraordinary difference. The same is true for reports: there are many more on the web and the biggest difference is for Department B.

- Although contracts have been explicitly added in the recent amendment of BremFoIA, two departments have not registered a single item.

With regard to the reasons behind this lack of compliance, the disregard of publishing contracts may be different from the other cases. Here we may assume a culture of official secrets existing alongside the FoIA exemptions related to privacy rights and business secrets. With all the other kinds of documents, the interviews revealed other reasons why documents have been published but not registered:

- Owners of documents question the value of the register (Why register centrally, if you can find the documents with Google on the pages of the department - especially as the search in the register is perceived as not optimal?)
- Official documents have to be accessible, which affords special treatment. Before publication via the central register there is a check for accessibility, while for publishing the document on their own sites there is not.
- It is a hassle to input the meta data, in particular, to find the appropriate key words.
- Uncertainty about which documents may be published given the exemptions in the FOIA and, for example, what to do with personal data in a document.
- Overall, too little time or tasks that are considered to be more pressing (by the person him or herself as well as by the superior levels).

The low registration figures of Department B can be traced back to different reasons. The biggest section in this department is the Environment section, which, according to several sector-specific laws, has the obligation to provide access to information via a separate Bremen Environmental Information System. People in this department assumed that sector-specific laws override general law and therefore thought that BremFoIA does not apply to them. It was easy to develop an automatic export to the central register, and the number of documents from this department immediately jumped from 600 to almost 2,000.

In order to overcome the problem with entering meta data, the FoIA Competence Centre hired a student of library science who scanned the departments’ web sites and registered any document she could find there. This led to huge increases. In October 2013, a total of around 25,000 documents were made accessible via the Central Information Register (Table 2).

Table 2: Number of documents registered by department (Oct. 2013)

<table>
<thead>
<tr>
<th>Department</th>
<th>No of Documents</th>
<th>2010</th>
<th>2012</th>
<th>10/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>for the Interior and Sport</td>
<td></td>
<td>208</td>
<td>1,789</td>
<td>2,103</td>
</tr>
<tr>
<td>for Justice and Constitutional Affairs</td>
<td></td>
<td>207</td>
<td>344</td>
<td>553</td>
</tr>
<tr>
<td>for the Environment, Construction and Transport</td>
<td></td>
<td>635</td>
<td>1,983</td>
<td>3,149</td>
</tr>
<tr>
<td>for Economics, Labour and Ports</td>
<td></td>
<td>316</td>
<td>1,161</td>
<td>2,287</td>
</tr>
<tr>
<td>for Education and Science</td>
<td></td>
<td>213</td>
<td>1,580</td>
<td>1,802</td>
</tr>
<tr>
<td>for Finance</td>
<td></td>
<td>564</td>
<td>1,436</td>
<td>3,191</td>
</tr>
</tbody>
</table>
But external support is not a sustainable measure to improve compliance with the obligation to publish. And in addition to the reasons mentioned above, the overall organization and governance of the FoIA implementation does not seem effective. The organization gap identified in the first evaluation was therefore analysed in more detail. There are big differences and a high degree of ambiguity in relation to the question of who is responsible for the entry of individual documents in the register. There is no control of the fulfilment of the obligations and thus no pressure in the departments. FoI and OGD are not seen as high priorities and tend to be perceived as a duty opposed by external forces and are treated so accordingly.

**Closing the Organization Gap by an Object-oriented Task Assignment**

Neither BremFoIA nor the decree on the disclosure obligations or the Common Procedural Rules of the Senate include any regulation of the assignment of responsibilities for the selection, assessment, and registration of the required or suitable documents (assignment gap Arrangements for monitoring the implementation of these obligations are absent as well (control gap). There are only procedural concretisations for reporting entering, data including the definition of metadata.

**Organizational Openness**

Figure 3 shows the organizational arrangements for the pro-active publication of documents developed in the Finance Department. There are different sections, e.g. Tax, Budget, Personnel, and Organization. In each section there is an editor who registers documents with the web-based tool provided by the Competence Centre. He or she is trained in operating this tool, but is only partially familiar with the content of the documents depending on how long he/she has been in the section and on the position held. Editing is not a full time job, all editors have other duties, mostly in IT support. If a document owner forwards a document for registration, the editors check accessibility and enter the meta data and a link to the document. But they do not feel responsible for going around and asking their colleagues in the department whether they have any new document coming under the law. One of the reasons is that their colleagues do not like to be asked and the editors do not wish to annoy their colleagues.

Editors, except for one case, are not identical with the FoIA officers who receive the individual requests for access. In Figure 1 there are therefore no lines between editors and FoI Officers.

Again, the asymmetry mentioned in the first evaluation report became obvious: The arrangements for the handling of individual applications (re-active mode) were relatively clear and are more or less forced by the procedure itself. If a request for access arrives at an agency, it needs to be processed by someone sooner or later. If the agency does not respond, the applicant can call upon the State FoI Commissioner.

While individual requests through their very existence force reactions and rules, this is not the case with a legal obligation to publish documents pro-actively. If no one enacts a government structure clearly defining responsibilities and control mechanisms that cover all units producing documents and data sets, no effective practice will emerge. And even if a structure is enacted, as in the case of the finance department, it is not necessarily effective. The present structure with one
editor for all kinds of documents within a section of the department is certainly not effective. As already mentioned, the editors are not able to decide whether a document is relevant or not, and there is no way they can obtain an overview of all legal documents that are enacted. They furthermore lack the time and do not wish to bother their colleagues with such requests. It is thus completely up to the units that compile the documents to decide whether to initiate a registration process. If they are interested in publishing a document, there is some uncertainty whether it is permitted with regard to privacy and intellectual property rights and other restrictions. Should they however not identify any restrictions, it is much easier to send the document to the web master and ask him or her to upload on the department's website than to tell the FoI editor the meta data, in particular keywords and categories.

![Diagram of the organization for publishing documents](image)

**Fig. 3: Present organization of the obligation to publish documents according to § 11 BremFoIA**
*(Example of the Finance Department, according to a circular in 2008)*

In the current organization there is no position responsible for complying with the obligation to select, publish, and register certain kinds of documents from the pool of heterogeneous and diffuse types of documents. There are neither incentives for high registration rates nor penalties for underreporting. In the terminology of social science technology research, the process of the selection and registration of documents according to FoIA is not sufficiently embedded into the established organizational and technical structure and processes of the departments. As with the early government web sites, the central register has been developed with its own frontend and backend and has not been integrated with functionally similar existing provisions. It has also not been linked to existing organizational responsibilities for certain kinds of documents. Under the condition of such an organizational openness, it is therefore no surprise that FoIA activities remain a foreign body in the government departments. Accordingly, the challenge is to find ways for better technical and organizational integration with existing provisions.

**Responsibilities by Document Types**

At present, the task of selecting suitable documents is not assigned at all; the task of registration is assigned as a central function for all kinds of documents. As there are already responsibilities for some kinds of documents (such as press releases, senate communications, administrative
directives, statistics, and contracts), there is an option to assign the selection and the registration tasks to those units already dealing with the respective document types. This can be called an object-oriented FoI organization. Figure 2 illustrates the principle.

But there are differences between the government departments, and centralized responsibilities for the different types of documents are lacking in many cases. Departments therefore shall only be obliged to develop their own organizational arrangement by assigning five FoI related tasks for each kind of document falling under the FoIA (see Table 3).

![Figure 4: Object-oriented FoI Organization by Document Type](image)

**Table 3: Matrix for the Assignment of FoIA-related Functions to Kinds of Documents**

<table>
<thead>
<tr>
<th>Task Type of document</th>
<th>Draft / Production</th>
<th>Release/ Check for exemptions</th>
<th>Internal publication (DMS)</th>
<th>External publication and registration</th>
<th>Quality control of register entries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Press releases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communications of the Senate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative directives</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reports, Expert opinions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Statistics</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Contracts</td>
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<td><strong>......</strong></td>
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</tbody>
</table>

**Reporting Duties**

In order to close the control gap there is a need for monitoring compliance with the law. Senators are not happy with an obligation to report about the performance of their department to a colleague within a peer structure of government departments. Therefore, an annual report to the parliament has been recommended.

**Fol Coordination Officer**
Even when the tasks related to the pro-active publication are distributed by document type there still is a need for additional comprehensive functions that should be assigned to a FoI coordinator:

1) ensure the task assignment according to the above table in the department,
2) coordination with the responsible agencies in the subordinate authorities,
3) counselling on the publication of individual documents under the FoIA exemptions,
4) representation of the departments in the interagency working group,
5) monitoring compliance with the publication requirements through spot checks in the register in terms of completeness and accuracy,
6) participation in the future annual reports by the Senate to the parliament on the compliance with the disclosure requirements.

**Opening Data by Request**

The structure outlined so far cannot be applied equally to the pro-active provision of data for several reasons. As experienced during the acquisition of data sets for the Apps4Bremen competition, there are usually at least two different data owners, one responsible for the content and one for the technical administration. Responsibility for content is furthermore not only assigned to a few members of staff, but to many. Here we run again run into problems regard the uncertainty about the legal assessment, updating cycles, security concerns, and so on. While one may argue that all these issues must be clarified for data bases, it has to be recognized that most of the data held in government agencies is meaningful only to the units immediately concerned. As the name “raw data” suggests, they have to be processed and put into context for further processing. In a State Government without a central IT Governance and relatively little experience with data governance in the autonomous departments, there is almost no chance to set up a comprehensive and effective organization for OGD. It is easy to provide a few data sets as low hanging fruits, but even their sustainability is a challenge. Given the experience in Bremen with the provision of raw data by request, there is no advantage to be gained by establishing a complex structure in all the departments for the provision of data — including data which the public may never request. For the time being and given the quite low number of requests, individual provision seems completely sufficient for both sides. It is generally not private citizens who are requesting data, but rather persons with some professional ties, who, in most cases, know exactly what they want. And when a request comes up it is easy for the Competence Centre to forward it to the data owning unit. Transparency of handling the requests by the traffic light symbols serves as a compliance catalyst.

**References**


About the Author

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