OPEN DATA AND THE FIGHT AGAINST CORRUPTION IN FRANCE

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EXECUTIVE SUMMARY

For the last five years France has shown a strong interest in open data. The ambition is supported at the highest level of government and is led by a dedicated office: Etalab.[1] This political will has been illustrated recently with laws adopted in December 2015[2] and October 2016[3] that aim at translating into French law and practice the principles of 'Open by Default', 'Timely and Comprehensive', 'Accessible and Usable' and 'Comparable and Interoperable'. 'Open by Default' and 'free of charge by default' are principles recognised by law. The national portal, data.gouv.fr, aims at providing accessible and reusable data. Almost all datasets published on this portal are in line with open standards and are updated regularly.

The full implementation of these four principles is not always easy, however. One major challenge faced by the government is the long-held culture of secrecy at the highest levels of administration. The circulation of information is regarded as unnatural, including between institutions. Even now one institution may still have to pay for public data from another, though this practice should start to disappear from 1 January 2017 given the changes to the law. Moreover, difficulties are often encountered by citizens in accessing administrative documents, even though the right to have access to information has existed since 1978.

Anti-corruption continues not to be a main driver of French open data policy. Some datasets are publicly available and contribute to anti-corruption activities (namely the government budget, public procurement processes and a soon-to-be-published company register) but the link between open data and anti-corruption is not formalised. It is hard to find evidence as to the impact of open data in the fight against corruption. Public officials are not trained to use open data to prevent corruption. Initiatives using open data for anti-corruption purposes are still rare and tend to be used only by civil society organisations (CSOs).

This can be explained by the fact that, for a long time, the problem of corruption was denied by part of the administration and public officials. Following big scandals involving the highest level of government, however, France decided to make its anti-corruption policy more effective.[4] On the international stage, France participates in several multilateral initiatives aimed at developing global transparency standards on anti-corruption-related issues. For example, the government has made transparency and accountability one its priorities for the French presidency of the Open Government Partnership (OGP).

The government has to demonstrate its efforts to execute this priority at a domestic level as well. Now that new legislation has been adopted, the challenge is make sure that it is implemented effectively. This has always been a weakness. Although the country had adopted a substantial amount of anti-corruption legislation since the beginning of the 1990s, a report by Transparency International highlights a 'recurring gap between a generally satisfactory legal and institutional framework and an insufficient implementation of those rules'.[5] Citizens and CSOs therefore need to continue to exert pressure in order for open data to truly support the fight against corruption.

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1   See www.etalab.gouv.fr/qui-sommes-nous.
2   The loi relative à la gratuité et aux modalités de la réutilisation des informations du secteur public, which transposes into French law the 2013 EU Directive on public sector information.
3   Loi no. 2016-1321, of 7 October 2016, pour une République numérique.
4   France has a lower ranking in Transparency International's Corruption Perceptions Index than other Western countries.
5   Transparency International France, *National Integrity System Assessment: France* (Paris: Transparency International France, 2011), p. 5.

KEY FINDINGS

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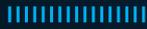
1 France has taken some long strides in opening up its data. The recently adopted Law for a Digital Republic incorporates the G20 principle of 'Open by Default'.

2 The full implementation of the 'open by default' principle is challenged by the persistence of licence fees, the inadequacy of current information and communication technologies (ICT) systems and the reluctance of top administrative officials and the Commission nationale de l'informatique et des libertés (CNIL) to release sensitive data.

3 There is a generally weak public knowledge of the right to information, which could be used as a lever to open up more datasets.

4 Sensitive datasets useful for fighting corruption – such as government spending, political financing and public procurement – are not available on the main government data platform (data.gouv.fr), or are of a lower quality.

5 Without any obligation for local governments, CSOs and companies to publish on the government data platform, not all publicly available datasets can be found there.

6 There is a need to ensure that datasets published by public institutions on data. gouv.fr are in line with open standards and include metadata.

7 Anti-corruption is not a top priority objective of French open data policy. Public officials are not trained to use open data as a means to enhance the effectiveness of corruption prevention.

8 Although France supports other countries' efforts through technical cooperation and its own participation in multilateral institutions (such as the OGP and the International Open Data Charter), more progress has to be made in terms of open data education and training at the national level.

PREFACE

In recent years there has been an increase in the availability of open data – data that can be freely used, modified and shared by anyone for any purpose.[6] Open government data is emerging as an important tool in the fight against corruption in that, by enabling increased transparency in terms of government activities, budgets and expenditures, it becomes an important ingredient in various accountability interventions. There is demand for government to open up more data and processes to improve information disclosure and transparency, to facilitate public scrutiny and to allow for information that is easier to work with and compare, which should reduce the mismanagement and misallocation of resources and help secure a fair deal for governments and citizens.

In 2015 the G20 Anti-Corruption Open Data Principles[7] (hereafter G20 Principles) were adopted as a first step towards leveraging open data as a crucial tool to enable a culture of transparency and accountability in order to address corruption. It was agreed to follow a set of principles, based on the International Open Data Charter,[8] to enhance access to, and the release and use of, government data so as to strengthen the fight against corruption. As is the case with international standards, what is crucial now is to ensure that these G20 Principles do not solely remain lofty words on paper but are translated into national-level policy and practice across the G20 countries.

The purpose of this report is to assess the extent to which France is meeting its commitments to fighting corruption by applying and implementing the principles and actions set out in the G20 Principles. This is one of five reports; others have been compiled for Brazil, Germany, Indonesia and South Africa.

The purpose of the five-country study is to gain a better understanding of how different countries are performing in terms of implementing the G20 Principles, and to highlight how these principles can be implemented so that open data becomes an effective tool in the fight against corruption. It also seeks to present selected examples of good practice in the use of open data to combat corruption.

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6   See http://opendefinition.org.
7   See www.g20.utoronto.ca/2015/G20-Anti-Corruption-Open-Data-Principles.pdf.
8   See http://opendatacharter.net/history.

METHODOLOGY OF THE STUDY[9]

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This study establishes a baseline regarding the implementation of the G20 Anti-Corruption Open Data Principles, which were adopted in 2015. The main goals of the analysis are to find answers to the following questions. How much progress have G20 governments made in implementing open data as part of an anti-corruption regime? What are the main national government policies and practices for open data and anti-corruption? And where is there room for improvement in moving towards the Principles?

The G20 Principles commit governments to data that should be as follows:

1. Open by Default
2. Timely and Comprehensive
3. Accessible and Usable
4. Comparable and Interoperable
5. For Improved Governance and Citizen Engagement
6. For Inclusive Development and Innovation

For each principle, the specific global commitments made by the G20 have been turned into questions that can measure anti-corruption policies and practices. There are 35 questions in total, including both general questions and specific questions for ten datasets that have been identified as key to anti-corruption efforts. For the questions directed at anti-corruption datasets, binary responses have been created, enabling us to score performance.

The key anti-corruption datasets are the following:

1. Lobbying Registers
2. Company Registers
3. Beneficial Ownership Registers
4. Directories of Public Officials
5. Government Budget Records
6. Government Spending Records
7. Public Procurement Records
8. Political Financing Records
9. Legislative Voting Records
10. Land Registers

Five countries were selected; each has its own report and there is also a summary report. The five countries represented a variety of G20 economies from around the world but included countries whose international leadership has or will be in the spotlight, via the G20 presidency or the Open Government Partnership chair, for instance. For this reason, it can be expected that they have a keen interest in implementing open data for anti-corruption purposes.

To carry out these studies, consultant researchers with both open data and corruption expertise were hired for each country report. The research consists of both desk research and key informant interviews. The Web Foundation and Transparency International have guided the research process and provided relevant materials to support the process.

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9   For full methodology, please see https://www.transparency.org/whatwedo/publication/7666

ANTI-CORRUPTION DATASETS

For the purpose of this study, the following datasets were used as proxy indicators of whether anti-corruption commitments have been translated into open data practice:

1 Lobbying register: Containing a list of registered lobbyists, details of who they are lobbying, and who they are lobbying on behalf of.

2 Company register: Containing a list of every company legally registered to operate within a jurisdiction. It should include information on when companies were formed and whether they are still active, as well as including details of company directors.

3 Beneficial ownership register: Containing the natural person or persons who are the beneficial owner(s) of an asset, including at a minimum the beneficial ownership of companies or land.

4 Directories of public officials: Containing a list of all public officials above a certain level of seniority, along with details of their role.

5 Government budget: Including national government budget at a high level (e.g. spending by sector, department, sub-department, etc.).

6 Government spending: Records of actual national government spending at a detailed transactional level; at the level of month to month government expenditure on specific items (usually this means individual records of spending amounts under $1m or even under $100k).

7 Public procurement: Details of the contracts entered into by the national government.

8 Political financing: Containing data on the financial contributions received by a politician and/or a political party.

9 Voting records: Containing registers on individual votes in Parliament (including session, chamber and law category such as amendment, new bill, nomination, etc.).

10 Land register: Including national-level information on land ownership, tenure and location.

The findings for France are presented below, and are based on an assessment as outlined in the methodology.[i]

INDICATOR	Dataset Online	Timeliness	Granularity	Formats	Openness	Accessibility	Open Standards	Metadata	Documentation	TOTAL DATASET SCORE
Lobbying registers[II]	✔	✔	✔	✔	✔	✔	✔	✔	✗	8
Company registers[III]	✔	✔	✔	✔	✗	✗	✔	✔	✗	6
Beneficial ownership	✗	✗	✗	✗	✗	✗	✗	✗	✗	0
Public officials[IV]	✔	✔	✔	✗	✔	✔	✗	✗	✗	5
Government budget[V]	✔	✔	✔	✔	✔	✔	✔	✔	✗	8
Government spending	✗	✗	✗	✗	✗	✗	✗	✗	✗	0
Public procurement[VI]	✔	✗	✗	✔	✔	✔	✔	✔	✗	6
Political financing[VII]	✔	✗	✗	✔	✔	✔	✔	✔	✔	7
Voting records[VIII]	✔	✔	✔	✔	✔	✔	✔	✔	✗	8
Land registers[IX]	✔	✔	✔	✔	✗	✗	✗	✔	✔	6

I   See https://www.transparency.org/whatwedo/publication/7666
II   See http://data.assemblee-nationale.fr/autres/representants-d-interets and www.senat.fr/role/groupes_interet.html.
III   See https://data.infogreffe.fr.
IV   See https://lannuaire.service-public.fr.
V   See www.data.gouv.fr/fr/datasets/projet-de-loi-de-finances-pour-2016-plf-2016.
VI   See www.data.gouv.fr/fr/datasets/marches-publics-conclus-recenses-sur-la-plateforme-des-achats-de-letat.
VII   See www.data.gouv.fr/fr/datasets/comptes-des-partis-et-groupements-politiques.
VIII   See http://data.assemblee-nationale.fr/travaux-parlementaires/votes.
IX   See http://professionnels.ign.fr/bdparcellaire.

COUNTRY OVERVIEW

OPEN DATA AND CORRUPTION IN FRANCE

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The implementation of the G20 Principles is facilitated when a government has a comprehensive anti-corruption strategy. This strategy needs to be supported by the top leadership of the government and include adequate legislation in terms of prevention, detection, investigation, prosecution and sanction, as well as obligations for private companies to report publicly on their anti-corruption activities. As for anti-corruption, the open data environment is also a key indicator. Having a specific open data policy, supported by a strong political commitment and adequate resources, is a good sign of the willingness of a country to fully implement these principles.

Corruption

When compared to other Western countries, France fares poorly in Transparency International's Corruption Perceptions Index, being ranked 23rd in 2015,[10] mostly as a result of the judiciary's lack of efficiency, as proved by the near-absence of convictions for foreign bribery. To counter this bad perception, the French government recently formalised its national anti-corruption strategy and presented a dedicated Action Plan,[11] which contains 18 measures and was unveiled during the London Anti-Corruption Summit held in May 2016. In addition, France has signalled that it wants to provide global leadership on some of these issues. It has made public declarations in favour of country-by-country reporting for big companies and the need for transparency in terms of beneficial ownership. At home, several laws have been adopted in the past three years as well, and new dedicated agencies have been set up to better prevent corruption. Large companies have also been requested to provide some information on their anti-corruption activities.

10   See www.transparency.org/cpi2015/#results-table.
11   See proxy-pubminefi.diffusion.finances.gouv.fr/pub/document/18/20926.pdf.

This strategy will not be effective, however, so long as the judiciary continues to receive insufficient means and resources to effectively detect, prosecute and punish corruption.

Following the Cahuzac scandal,[12] the Law on Transparency in Public Life[13] created, in 2013, an obligation for government officials, MPs and key locally elected representatives to publish declarations of interests and register their assets (these latter declarations are not public). High-level public officials (such as the president and ministers' advisers, members of independent public authorities and local government managers)[14] must also register their interests (again, these declarations are not made public).[15] A new Law on Ethics, Rights and Duties of Public Officials,[16] adopted in April 2016, extends a framework to protect against conflicts of interest to the whole of France's public administration, particularly to high-level officials.

In December 2013 the Law on the Fight against Tax Evasion and Economic and Financial Crime was adopted.[17] It aimed to enhance the detection and repression of corruption and other economic crimes by increasing the penalties and giving more powers to the tax and customs administrations. It created a law enforcement office dedicated to fight corruption and tax evasion, and a national prosecutor on financial matters. The law also introduced the right for anti-corruption associations to file complaints in court, a long-standing demand of anti-corruption non-governmental organisations (NGOs)[18].

Finally, a Law on Transparency, the Fight against Corruption and the Modernisation of Economic Life[19] has recently been adopted to complete this anti-corruption framework. It creates a national lobbying register, imposes new anti-corruption obligations for companies, monitored by a new Anti-Corruption Agency, and includes the protection of whistleblowers. It also includes a settlement procedure in order to provide an effective channel for holding companies to account for wrongdoing and resolving foreign bribery and other cases without resorting to a full trial (civil or criminal). For now, the lack of effectiveness on the part of the judiciary is very much the major weakness of France's anti-corruption system. Corruption cases, especially those with an international dimension, often require complex and resource-intensive investigation, explaining why investigations are so slow and why French courts have issued only one condemnation for bribery in international transactions, even though several French multinational corporations have been sanctioned by US authorities.

12   Jérôme Cahuzac, as the budget minister, was accused of having hidden bank accounts in tax havens. In March 2013 he admitted the crime and was expelled from the government.
13   Loi no. 2013-907, of 11 October 2013, relative à la transparence de la vie publique.
14   See full list at www.hatvp.fr/les-declarants-2.
15   See https://transparency-france.org/project/dossier-guerini-haute-autorite-travail-renforcons-moyens-daction-2.
16   Loi no. 2016-483, of 20 April 2016, relative à la déontologie et aux droits et obligations des fonctionnaires.
17   Loi no. 2013-1117, of 6 December 2013, relative à la lutte contre la fraude fiscale et la grande délinquance économique et financière.
18   See www.transparency-france.org/wp-content/uploads/2016/04/loi_sur_la_lutte_contre_la_fraude_fiscale_analyse_transparency_france_decembre_2014.pdf.
19   Loi no. 2012-1691, of 9 December 2016, relative à la transparence, à la lutte contre la corruption et à la modernisation de la vie économique.

Open data

Since 2011 France has demonstrated a strong political desire to open up public data. The country ranked fourth in the Open Data Barometer in 2015.[20] France has also taken on commitments at the international level: the country has adopted the G8 Charter and the G20 Principles, and in April 2014 joined the Open Government Partnership (OGP). The OGP National Action Plan was published in July 2015.[21] Containing 26 commitments, it aims to make available in open data format some public information (but not all public data), strengthen public participation and raise awareness among public servants. Domestically, the open data policy is supported by a dedicated agency – Etalab – which aims to foster data publication and reuse. A network of open data focal points within government institutions is also in place and a chief data officer has been appointed. In this comprehensive open data strategy, anti-corruption is not the main driver, however; rather, it is the push to transform public life and gain economic efficiency.

Since 2011 several pieces of legislation on open data have been adopted. On 26 May 2011 an administrative decree from the prime minister set out the principle of 'free, easy and accessible reuse of public sector documents and information' for every citizen.[22] The 'Roadmap of the Government in terms of Openness and Sharing of Public Data', published in February 2013, constitutes the first formalised national strategy.[23] It reaffirmed the principle of the free reuse of public data and insisted on the need to identify priority data.[24]

The roadmap has been completed by the publication of guidelines (the 'Vademecum on the opening and sharing of public data')[25] addressed to public servants. In June 2015 the first 'Government Digital Strategy' included an explicit commitment to strengthen open data and provide 'data of public interest'.[26] In none of these documents, however, is the link to anti-corruption made; the topic does not appear in any of them.

Created in February 2011, Etalab oversees the promotion and implementation of France's open data policy: promoting open data across government institutions, encouraging the reuse of open data, fostering an open data community and managing the government's data platform (data.gouv.fr).[27] This platform was launched on December 2011 and gathers datasets from national administrations, from public institutions and, on a voluntary basis, from local authorities and public or private entities providing public services. Since December 2013 civil society organisations can also contribute to the platform. Etalab is part of the Interministerial Direction of Digital and Information and Communication Systems (DINSIC), which sits within the General Secretariat for Government Modernisation (SGMAP).[28]

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20   See http://opendatabarometer.org/2ndEdition/analysis/rankings.html.
21   See www.opengovpartnership.org/country/france/action-plan.
22   Décret no. 2011-577, of 26 May 2011, relatif à la réutilisation des informations publiques détenues par l'État et ses établissements publics administratifs.
23   See www.etalab.gouv.fr/qui-sommes-nous.
24   See www.etalab.gouv.fr/lafeuillederoutedugouvernementenmatieredouvertureetdepartagedesdonneespubliques.
25   Etalab, 'Vade-mecum sur l'ouverture et le partage des données publiques' (Paris: Etalab, 2013), www.modernisation.gouv.fr/laction-publique-se-transforme/en-ouvrant-les-donnees-publiques/lopen-data-son-vade-mecum.
26   Office of the Prime Minister, 'Stratégie numérique du gouvernement' (Paris: Office of the Prime Minister, 2015), p. 12, http://www.gouvernement.fr/sites/default/files/liseuse/4492/master/index.htm.
27   See www.etalab.gouv.fr/qui-sommes-nous.
28   The Secrétariat général pour la modernisation de l'action publique is within the Office of the Prime Minister.
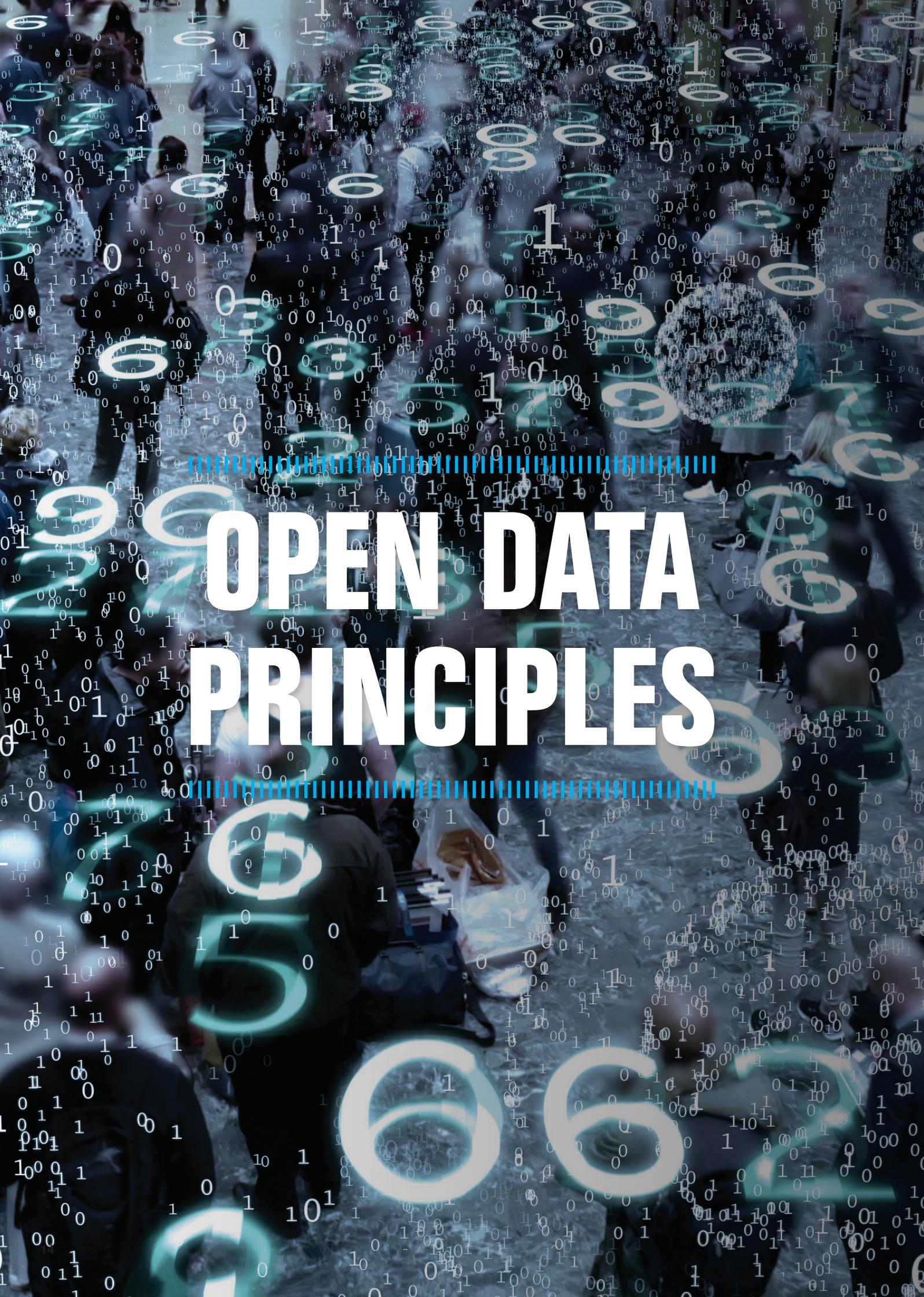
OPEN DATA PRINCIPLES

IMPLEMENTATION OF THE G20 PRINCIPLES

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Along with the other G20 countries, in 2015 France adopted the G20 Anti-Corruption Open Data Principles, which recognised open data as a crucial tool to enable a culture of transparency, accountability and access to information and to more effectively prevent corruption. The G20 Principles are based on the International Open Data Charter,[29] which France has also adopted.

The following assessment provides an overview of country progress on setting out policies that support the commitments contained within each of the six G20 Principles. A common methodology[30] has been used that looks at the different elements contained within each of the principles.

Principle 1: Open Data by Default

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The 'open by default' principle commits each G20 government to proactively disclose government data unless certain exceptions apply. The principle goes beyond transparency, as it requires the proactive provision of reusable data from its source in order to increase access in equal terms for everyone while at the same time assuring the necessary protection of personal data in accordance with existing laws and regulations.

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29   See http://opendatacharter.net.

30   The methodology was developed by the Web Foundation and Transparency International: see https://www.transparency.org/whatwedo/publication/7666

Existing open data policies

France has an 'open by default' policy and has endorsed the International Open Data Charter. The principle of open by default has been introduced by the Law for a Digital Republic, adopted on 7 October 2016.[31] According to this legislation, the administration must communicate administrative documents in an 'open, easily reusable and machine-readable format'. Likewise, some electronic documents must be released automatically in open data: databases, data whose publication has an economic, social, health or environmental interest, documents included in the catalogue of main administrative documents managed by each administration, and rules defining the main algorithmic equations used.

Application decrees, which detail how the legislation will be concretely implemented, are expected in January 2017 and will condition the implementation of this extensive publication, to run until the end of 2018.[32] Priority has been given to 'reference data', which will be defined by decree. A follow-up of the application decrees – of which around 30 are to be adopted – is needed to be sure they are indeed adopted.

Exceptions to the 'open by default' principle

France has introduced exceptions to the 'open by default' principle linked to data protection, national security issues and licence fees.

Exceptions for data that cannot be disclosed have been defined reasonably, as they come from traditional areas for non-disclosure concerning right to information legislation (see *Existing legal framework on data protection and Right to information*): defence matters, state safety, business secrecy, medical confidentiality and tax and customs secrecy, as well as documents related to decisions made by independent authorities.[33]

The main concern regards licence fees, which are an important exception, even if they are now regulated in order to prevent the number of licences and licence fees from escalating.[34] To impose a fee, the agency in question can charge only a nominal amount when it does not receive enough public funds to cover its mission. The fee has to be set so it is no higher than the costs of collecting, producing and disseminating the data.[35] Any new licence fee has to be decided by decree. Despite this regulation, the NGO Regards Citoyens has claimed that these conditions are not sufficient and that 'some license fees discriminating [against] citizens are confirmed.'[36]

Open data practice

A culture of openness is starting to come into existence in some government agencies, but it has not spread to all institutions, largely because of reluctance by top-level administrators.

Through Etalab, the French government is helping a growing number of administrations and public offices open their data and develop their own digital strategy. The French Development Agency (AFD), for example, has made great progress. The AFD has adopted a digital strategy and now has its own open data platform.[37] This new adherence to open data policies may also explain the forthcoming opening of the company register. The responsible agency, the National Institute of Statistics and Economic Studies (INSEE), refused to organise one for a long time because it used to sell this database. It will be unveiled by January 2017, however, as stated in the Law for a Digital Republic. In addition, both chambers of the Assemblée nationale have developed open data portals.[38] Although they do not make available all the data they have, the portals are quite well conceived and updated regularly.[39]

Not all government agencies are willing to open up their data, however. Even when there is a designated individual responsible for open data within a department, departmental heads still have the final word when it comes to sensitive data. They often prefer not to take any risks if the data might be used against the administration (for instance, data on public spending).

31   Loi no. 2016-1321, of 7 October 2016, pour une République numérique.
32   See www.nextinpact.com/news/101397-on-vous-explique-volet-open-data-loi-lemaire.htm.
33   Article L311-5 of the Code des relations entre le public et l'administration: 'Exceptions au droit de communication des documents administratifs'.
34   A public report by Mohammed Adnène Trojette published in November 2013 argued for the removal of most licence fees.
35   An application decree was adopted in July 2016 (entering into force on 1 January 2017) to complete the exceptions to the principle of free reuse by default.
36   See www.nextinpact.com/news/100824-open-data-publication-decret-d-application-loi-valter-sur-redevances.htm.
37   See https://opendata.afd.fr/page/accueil.
38   See http://data.assemblee-nationale.fr and http://data.senat.fr.
39   Interview with Xavier Berne, journalist at Next Inpact, on 11 October 2016.

ICT infrastructure to support the publication of and access to government data

The information technology systems in place for data management and sharing are not adequate since they cannot directly provide information in open data formats.

The chief data officer's first report[40] underlined the fact that information systems can be obstacles to the identification of datasets and uploading them on data. gouv.fr. These systems were not designed for data extraction, and subcontracting to external actors has hindered capacity development. To publish usable datasets the information systems need to be worked on to access the raw data, requiring increased investment in time and skills.[41]

Open data for anti-corruption skills at the national level

Some regular training sessions on open data are available for civil servants, but they are not systematic.

The chief data officer has been charged with building internal capacity, and an individual responsible for open data has been appointed in each ministry. There is no evidence of any training, tools or guidelines to make government representatives aware of the benefits of open data in the fight against corruption, however.

Etalab plays a crucial role in assisting administrative units and other public bodies to open up their data. Etalab follows a step-by-step approach to 'educate' administrative units on the benefits of open data for their work,[42] regularly organising open data camps for civil servants, and training events lasting a few days on specific sectors (such as customs and elections).

Subnational open data awareness programmes

There are few awareness-raising or training programmes promoted by the national government that attempt to get subnational governments to use open anti-corruption datasets.

At the subnational level, open data is fostered by the government, but it is mostly put into effect by the imposition of new rules. Awareness raising, training programmes and technical cooperation are considered only as afterthoughts.

In France, open data strategies were initiated at the local level before becoming part of a national strategy. This explains the autonomy of regional and local open data initiatives: 50 open data platforms have been created by local governments, and 10,000 datasets in total have been published (45 per cent of which are related to geographic information).[43] Created in 2013, the association OpenData France, composed of pioneer local authorities willing to open their data,[44] is the main actor helping local authorities to open their data. A special portal for local government data has even been created by Etalab,[45] which also provides a short guide on how to publish publicly held data. This movement involves local authorities largely from densely populated areas, however. In medium-sized and small municipalities, 'the issue is badly known, not understood, far from local decision-makers' preoccupations',[46] even though the Law for a Digital Republic extends the 'open by default' principle to local authorities of more 3,500 inhabitants[47] (3,800 local governments are now concerned).[48]

40   Administrateur général des données, *Les données au service de la transformation de l'action publique* (Paris: La Documentation Française, 2015).
41   S. Goëta, 'Instaurer des données, instaurer des publics: Une enquête sociologique dans les coulisses de l'open data', thesis, Télécom ParisTech, September 2016, p. 82.
42   Interview with Claire-Marie Foulquier-Gazagnes and Mathilde Bras, from Etalab, on 10 October 2016.
43   OpenData France, *Rapport sur les dispositifs d'accompagnement des collectivités locales à l'ouverture des données publiques* (Paris: OpenData France, 2016), p. 8.
44   See www.opendatafrance.net/lassociation/les-acteurs-2.
45   See http://territoire.data.gouv.fr.
46   OpenData France (2016), p. 4.
47   Article 4.
48   OpenData France (2016), p. 4.

Data protection laws

France has a robust and comprehensive data protection regime but, in some cases, the strict and very extensive interpretation of its principles can impede the release of non-personal data that is useful for anti-corruption.

The CNIL is often asked to give a ruling on whether to publish data. As the CNIL is fundamentally tasked with protecting personal data privacy, it has used this power, on several occasions, to block the publication of data containing personal information, such as the names of decision-makers.[49] For instance, on public procurement, it is impossible to know the names of the persons who awarded the contract. The companies' names are yet to be released.

Right to information legislation

Many reports say that the French regime on right to information does not work effectively.

The Law on Computers, Files and Freedom, adopted on 6 January 1978[50] and revised several times since, defines the principles guiding the collection, treatment and conservation of personal data, as well as rights for all citizens. Since 1978 citizens have had the right to access administrative documents held by the state, local authorities and other public or private entities.[51] Citizens whose information requests have been refused can ask the Commission d'Accès aux Documents Administratifs (CADA) to review their petitions, though the rulings issued by the CADA are non-binding. In practice, however, the right to information is not widely known and poorly implemented. Procedures are long and tedious, and administrative bodies rarely respond to information requests.

The Law for a Digital Republic enhances the right to information, as it states that all documents communicated to a citizen after an information request should also be published in open data. If this provision is used effectively, it may have a major impact on anti-corruption-related information: if anti-corruption-related datasets are not automatically opened, citizens can force their publication by using the right to information.[52]

Principle 2: Timely and Comprehensive Data

Principle 2 of the G20 Principles commits a government to identify and publish key high-quality and open datasets. Publication of the data should be informed by actual demand and identified through ongoing public consultation. The principle also encourages a government to apply a consistent dataset management strategy according to the open data principles. Such data openness, it is suggested, will allow a better understanding of government processes and policy outcomes in as close to real time as possible.

Online availability of key anti-corruption datasets

Many key anti-corruption datasets are not open or available via the main open data portal.

France makes many datasets available on data.gouv.fr – more than 19,500 at present – but they are not all anti-corruption-related. In fact, the ten key anti-corruption datasets are not published on this portal. In total, eight out of the ten key anti-corruption-related datasets are available online, the two datasets that are unavailable relating to government spending and beneficial ownership. A dataset listing all public expenses exists (Chorus),[53] but it is not public. A public register of some 16,000 trusts was created and made available on 4 July 2016, accessible to all taxpayers once they had given their tax number. The State Council suspended its publication on 22 July 2016, however, and a further court ruling in October 2016 upheld this decision.

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49   Meeting with Regards Citoyens on 7 November 2016.
50   Loi no. 78-17, of 6 January 1978.
51   Loi no. 78-753, of 17 July 1978, portant diverses mesures d'amélioration des relations entre l'administration et le public et diverses dispositions d'ordre administratif, social et fiscal.
52   Interview with Samuel Goëta, academic, on 21 October 2016.
53   Forum de la Performance, 'Chorus, l'outil de gestion financière, budgétaire et comptable en mode LOLF', 5 February 2014, www.performance-publique.budget.gouv.fr/cadre-gestion-publique/gestion-budgetaire/approfondir/systemes-d-information-financiere-etat/chorus-outil-gestion-financiere-budgetaire-comptable-en-mode-lolf#.WGl_4YXXJZU.

Timeliness of available key anti-corruption datasets

The frequency of updates varies depending on the type of database and the producer. The voting records are updated every day and the company register is updated monthly. Some datasets are updated several times a year, but on a random basis, however (such as lobbying registers, directories of public officials and the land register). Regarding public procurement and political financing, the datasets are updated on a yearly basis, which is insufficiently frequent to guarantee their timeliness.

Granularity of the data

The granularity of open data anti-corruption datasets varies. Six out of eight available key national anti-corruption-related datasets provide data at a granular level: the lobbying register, the company register, voting records, directories of public officials, the government budget and the land register. The two datasets lacking granular data (public procurement and political financing) are more important when it comes to anti-corruption efforts, however. In terms of political financing, for example, the accounts of political parties are published, but in a simplified version (such as the amount and origin of income and the amount and nature of principal expenditures).[54] As a result, it is impossible to know precisely how the money is spent. This data is not published in a timely manner, as the updates occur yearly but cover the previous year's accounts.

Feedback loops

While the platform data.gouv.fr allows users to provide feedback, this is not the case for all the datasets listed above.

Some of these datasets are available only on other websites (for example, the company register, directories of public officials and the land register). Through the data.gouv.fr platform, feedback can be provided in different ways: opening a discussion on the page of the dataset, proposing new tags, referencing a reutilisation or adding a more complete dataset. It is also possible to alert the editor, through a dedicated button, of illegal content, an anomaly or advertising content.[55]

Data management

The French data management and archiving system is neither well explained nor clear.

On data.gouv.fr, a section for data producers explains how to publish data,[56] but there is no mention of the archiving or hosting policy. The system in place, as described by Etalab, appears to be rather light. Half the data available on data.gouv.fr is hosted by data producers themselves. The other half is hosted by Etalab on an OVH[57] server. The platform does not contain much sensitive data; when it does, the dataset is hosted on a secured server.[58]

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54   See www.data.gouv.fr/fr/datasets/comptes-des-partis-et-groupements-politiques.
55   See www.data.gouv.fr/fr/faq/citizen.
56   See www.data.gouv.fr/fr/faq/producer.
57   Web hosting service provider: www.ovh.com/fr.
58   Interview with Claire-Marie Foulquier-Gazagnes and Mathilde Bras, from Etalab, on 10 October 2016.

Principle 3: Accessible and Usable Data

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Principle 3 seeks to address the challenges that users face in locating, accessing and using data. It commits G20 governments to increase data accessibility and usability by lowering unnecessary entry barriers, and by publishing data on single-window solutions, such as a central open data portal. Principle 3 also requires governments to promote open data initiatives to raise awareness and increase data literacy and capacity-building among potential data users.

Open data catalogue

The platform data.gouv.fr is a central portal aimed at centralising open datasets, but it still cannot be considered as an exhaustive central open data catalogue. Data.gouv.fr gathers datasets from national administrative units, public institutions and, on a voluntary basis, local authorities, as well as from NGOs and public and private companies. Although 838 organisations have published at least one dataset on the platform, not all local governments have done so. Even some public agencies, such as the Institut géographique national (IGN), do not release their data on the portal because they want to keep control of it. On data.gouv.fr, a thematic section, 'Public sector transparency', provides a selection of relevant datasets.[59] Not every dataset mentioned above appears on this list, however. Some of them are available only on the data producer's website.

Legal requirements for the publication of anti-corruption data by companies

The private sector is not, for now, a major contributor to anti-corruption-related data, but legislation is moving towards greater transparency with regard to companies' anti-corruption programmes, lobbying activities and country-by-country reporting (by large companies).

Since April 2012[60] large companies[61] have been required to report publicly on the 'social and environmental consequences of their activities and on their commitments towards sustainable development',[62] The actions they take to prevent corruption are among the information that they must publish. The format of this information is left to each company's discretion, however, and often takes the form of narrative reports. This makes it difficult to compare or include them in harmonised databases.

Moreover, mandatory country-by-country reporting (CBCR)[63] has been in place since 2015 for larger French companies. From 1 January 2016 multinational companies with a turnover exceeding €750 million have had to give the tax administration some information on their activities on a country-by-country basis (for example, turnover, number of employees, nature of activities, tax on benefits, etc.). This information is not made public, however, except for the finance, extractive and forestry industries.[64] The Law on Transparency, the Fight against Corruption and the Modernisation of Economic Life wanted to add an open data component,[65] but the provision was forbidden by the Supreme Court.[66]

Machine-readable, open and multiple formats

All the datasets available on data.gouv.fr are supposed to be in a machine-readable and reusable format, but there are a number of exceptions.

Only one of the eight public anti-corruption-related datasets available, the directory of public officials, is not provided in a machine-readable format; it is available on another website.

For the other seven datasets, different formats are available. The most common are XLS or CSV – for all of them except for voting records (XML, JSON) and the land register (Shapefile, MIF-MID, GeoConcept export). The JSON format is also available for the lobbying register of the National Assembly (also available in XML) and the company register (also available in GeoJSON, Shapefile and KML).

Access costs and licensing

Public data published on data.gouv.fr is largely provided in an open format, free of charge and under an open licence.

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59   See www.data.gouv.fr/fr/datasets/thematique-transparence-de-la-vie-publique.
60   See www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025746900&categorieLien=id.
61   Companies listed in France (including subsidiaries of foreign companies listed in France) and companies having a turnover exceeding €100 million and more than 500 employees.
62   Application decree no. 2012-557, of 24 April 2012, relating to article 225 of the Law on National Commitment for the Environment, of 12 July 2010, established the requirement to publish a corporate social responsibility report.
63   CBCR is a key measure to fight tax avoidance from multinationals by imposing on them the requirement to disclose tax figures and other financial data (number of employees, activities, etc.) on a country-by-country basis.
64   See www.kpmg.com/FR/fr/IssuesAndInsights/ArticlesPublications/Documents/KPMG-CBCR_janvier_2016.pdf.
65   According to the initial bill, starting from 1 January 2018 the data on activities given by companies with a turnover exceeding €750 million in each tax jurisdiction should be published in an open data format.
66   Décision no. 2016-741, of 8 December 2016.

The publication of public data in France is based on an Open Licence[67] developed by Etalab, which is compatible with open data licences developed abroad, in particular the British government's Open Government Licence, and other international standards: open data C-BY (Open Data Commons) and CC-BY 2.0 (Creative Commons – Attribution 2.0 Générique).

Even so, two major datasets are not available in an open data format: the company and the land registers. This situation reflects historical reasons. INSEE (the entity in charge of the company register) and the IGN (the entity in charge of the land register) had previously sold this information, and for a long time they refused to give free access to their datasets. Following a change in the legislation, however, INSEE will open the SIRENE register in the coming months.

Registration to access data

The datasets available on data.gouv.fr are largely accessible without mandatory registration.

This is not the case for two of the key anti-corruption-related datasets in our study, however: the company and the land registers are not available on the national platform but on other government websites, which require registration to access the data.

Open data awareness, data literacy and capacity-building

France, through Etalab, has begun to work on data literacy and making attempts to raise awareness among administrative units as to the benefits of open data for their own work.

Apart from organising hackathons, the efforts have been rather weak when it comes to civil society and the private sector. In September 2013 the 'Vade-mecum on the opening and sharing of public data' was published.[68] It is the first tool addressed to public servants, promoting and explaining the importance of opening up data and how it should be done; but it has not been updated since its original publication. The 21st commitment of the French OGP National Action Plan also refers to the 'diffusion of a culture of opening, data and digital'. In France's first mid-term self-assessment, Etalab mentioned ongoing work on data literacy with a researcher working at Etalab.[69] It is also worth mentioning that 15 state start-ups exist as part of the SGMAP with the aim of creating new services for citizens; the availability of open data is of great help in the creation of these services.[70]

Principle 4: Comparable and Interoperable Data

Enabling the comparability of datasets and allowing for the traceability of data from numerous anti-corruption-related sources increases the possibility of detecting patterns, trends or anomalies that could be used to expose or counter corrupt practice.

This principle commits governments to implementing open standards, and ensures that open datasets include consistent core metadata as well as adequate descriptions and documentation. It also specifies that governments will engage and collaborate with existing anti-corruption standards bodies, identify gaps and encourage interoperability.

Open standards

Datasets published by public administrative units on data.gouv.fr should be in line with open standards. This is not always the case, however, and in practice there are still a significant number of files in other formats, such as PDF or XLS, on the platform.[71]

Regarding anti-corruption-related datasets, only one out of the eight public anti-corruption datasets does not comply with the open format requirement: the directory of public officials.

Metadata

For most anti-corruption-related datasets, basic metadata is available, such as a descriptive title, the data source, the publication date and available formats. Again, however, this is not the case for the directory of public officials.

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67   See www.etalab.gouv.fr/licence-ouverte-open-licence.
68   Etalab (2013).
69   Etalab, *Rapport d'autoévaluation à mi-parcours du Plan d'action pour la France 2015–2017 'Pour une action publique transparente et collaborative'* (Paris: Etalab, 2016), p. 72, www.opengovpartnership.org/sites/default/files/FR_SelfAssess2016.pdf.
70   See www.modernisation.gouv.fr/ladministration-change-avec-le-numerique/par-des-services-numeriques-aux-usagers/startups-d-etat.
71   See www.data.gouv.fr/fr/datasets.

Documentation

Most datasets are missing the required documentation.

Some – but not all – of this documentation was found solely for the political financing dataset and the land register. In the case of the political financing data, though, this documentation is linked to legal obligations applying to the commission in charge of publishing this data.

Data and transparency standards

France takes part in several international initiatives and has shown itself willing to harmonise and implement publication standards on important anti-corruption issues. Since 2013 the government has published on a dedicated website data related to public development aid, using the international standard developed by the International Aid Transparency Initiative.[72] All projects and programmes financed by France for €100,000 and more are listed, including humanitarian and budgetary aid. On 12 June 2016 France also joined the Contracting Five (C5), which is a group composed of five countries (the others being Colombia, Mexico, Ukraine and the United Kingdom) willing to bring their publication standards on public procurement in line with each other and create a common international standard.[73] Etalab is also involved with the OpenCorporates database[74] to ensure that the standard used for the publication of the company register SIRENE will be compatible. The data on this register will then be included in the international database. Finally, the French government announced its intention to join the Extractive Industries Transparency Initiative (EITI) in February 2016, but the process has been long and has not been backed by strong support from civil society. There is still no guarantee that France will join the initiative in a timely manner.[75]

Principle 5: Data for Improved Governance and Citizen Engagement

Open data empowers citizens and enables them to hold government institutions to account. Open data can also help citizens to understand, influence and participate directly in the decision-making processes and in the development of public policies in support of public sector integrity. This can be an important process in building trust and strengthening collaboration between government and all sectors of society.

This principle commits governments to promote the use of online collaboration to engage with anti-corruption organisations, and to equip government officials so that they may use open data effectively. It stipulates that governments will improve mechanisms and procedures, and report regularly to the public, in order to strengthen ties between citizens and the public sector.

Data needs

The government does not use a specific channel to determine which data anti-corruption organisations need, but collaboration between government bodies and anti-corruption organisations has been progressing.

Anti-corruption organisations can take part in any initiative launched by the government. During the drafting process of the OGP National Action Plan, Etalab sought out the collaboration of organisations working on corruption-related issues. Likewise, Etalab launched an online consultation between 29 September and 20 October 2016 to ask citizens what data should be considered.[76] Indeed, the Law for a Digital Republic introduces a 'data public service', which should lead administrative units to open some datasets with priority. This consultation is open to all, including anti-corruption NGOs, wanting to give their opinion.

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72   See www.transparence-aide.gouv.fr/about.
73   Etalab (2016), p. 25.
74   See https://opencorporates.com.
75   Interview with Claire-Marie Foulquier-Gazagnes and Mathilde Bras, from Etalab, on 10 October 2016.
76   See www.etalab.gouv.fr/consultation-spd.

Toolkits

As the link between open data and anti-corruption is not properly formalised, there is no evidence of dedicated tools or guideline to help government officials use open data as a means to prevent corruption. Some training programmes on open data for high-level officials, given at the National School of Administration (ENA), have addressed the question of anti-corruption.[77] There is no written record of these events, however.

Research

There is no evidence of dedicated research or studies undertaken by the government to better understand how open data helps to prevent corruption.

Reporting

There is no evidence that the government reports regularly to the public on how open data is used in the country to prevent corruption. Etalab doesn't have the resources currently to dedicate one person to this type of in-depth reporting,[78] but it participates regularly in self-assessments requested by international indices such as the Open Data Barometer[79] and the Global Open Data Index.[80]

Interaction

The government is beginning to support a culture of open data innovation through competitions and grants.

Etalab has regularly organised hackathons and other events at the national and local levels to promote the reuse of open datasets and to foster the development of new applications, visualisations and other tools.

In October 2016 no fewer than five events were organised, either hackathons (#Openfield, #CodeGouv), Barcamps (#HackRisques), conferences (Forum Civic Tech) or workshops (#OpenRecherche).[81] On a more regular basis, the contest Dataconnexions is a programme aimed at encouraging the use and creation of applications using open data. In 2016 the contest was held for the sixth time.[82]

Civic engagement with anti-corruption open data

Citizens and civil society organisations have played an active role in demanding and supporting open data as a way to participate in the fight against corruption.

Etalab is committed to encouraging the use of open data, and has established close working relationships with anti-corruption organisations. In recent years several associations have emerged working on open data or open government (such as Regards Citoyens, Démocratie ouverte, LiberTIC, Open Knowledge France, OpenStreetMap France, République citoyenne, etc.). There is also a strong and growing open government community, also known as civic tech, which includes a number of data- and democracy-related initiatives, start-ups and non-profit organisations.[83] More traditional NGOs have also begun to see the benefits of open data for their work and advocacy.[84]

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77   Interview with Lancelot Pecquet, consultant on open data and digital issues, on 13 October 2016.
78   Interview with Claire-Marie Foulquier-Gazagnes and Mathilde Bras, from Etalab, on 10 October 2016.
79   France was ranked fourth in the 2015 Barometer: http://opendatabarometer.org/data-explorer/?_year=2015&indicator=ODB&open=FRA.
80   France was ranked tenth in the 2015 Index: http://index.okfn.org/place/france.
81   See www.etalab.gouv.fr/en/events.
82   See www.data.gouv.fr/fr/dataconnexions-6.
83   See www.lemonde.fr/pixels/article/2016/10/25/civic-tech-vers-une-boite-a-outils-de-la-democratie-numerique_5019800_4408996.html.
84   See case study 'Data Needs: How to Get Anti-Corruption Data Published', by Transparency International.

Principle 6: Data for Inclusive Development and Innovation

Principle 6 of the G20 Principles commits governments to support other G20 open data work and encourage civil society, the private sector and multilateral institutions to open up data. It specifies that governments will engage in new partnerships with anti-corruption stakeholders and share technical expertise and experience with other governments and organisations.

Government's anti-corruption agenda

France wants to be recognised as a global leader on open data and anti-corruption. Unlike at the domestic level, the link between both issues is much more explicit in France's international discourse. During the anti-corruption summit organised in London in May 2016, the government announced that one of its three priorities for the French presidency of the OGP would be to improve 'transparency, integrity and the fight against corruption' at the international level.[85] It also presented its anti-corruption action plan,[86] with six of the 18 commitments linked to open data: the creation of a public register of beneficial ownership; implementation of the Open Data Contracting Standard; becoming a member of EITI before the end of 2017; supporting the obligation of CBCR for major companies; and creating a public register of lobbyists.

As seen previously, all these commitments are already under way. For three of them, their full implementation has encountered some difficulties (namely the register of trusts being suspended by the Supreme Court, country-by-country reports not being made publicly available and EITI accession lacking public support). Efforts need to be made to overcome these obstacles.

Anti-corruption data ecosystem

The authorities have encouraged civil society to join them in opening up their data by organising dedicated events.[87] For the private sector, new open data obligations now apply to companies in some sectors. Since July 2016 utility companies have had to publish their data in an open data format.[88] As stated in the Law on Economy and Growth, public transportation and mobility services (car-sharing) must make available, for free and in open data format, some key data (such as stops and stations, timetables, prices, incidents, etc.) to generate new services and applications.[89] A year after the promulgation of the law, however, the application decree has still not been adopted yet.[90]

Partnerships

There is no evidence of formalised partnerships with non-public stakeholders.

In the field of anti-corruption, partnerships are for now limited to public agencies working on integrity and accountability. Only one hackathon has been organised with CSOs working on these issues. Etalab has helped the French Development Agency to develop a digital strategy and create an open data platform, however. Likewise, Etalab contributes to the work of the Supreme Audit Court to help it work with its data better.

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85   See www.etalab.gouv.fr/en/la-france-prend-la-co-presidence-de-logp-et-annonce-les-priorites-de-son-mandat.
86   See www.economie.gouv.fr/michel-sapin-deplacement-londres-sommet-anti-corruption.
87   See case study 'Promoting Open Data among NGOs: A Hackathon Organized by Etalab'.
88   Loi no. 2015-992, of 17 August 2015, relative à la transition énergétique pour la croissance verte, application decree no. 2016-973 and order of 18 July 2016.
89   Article L 1115-1 of the Transportation Code.
90   Interview with Xavier Berne, journalist at Next Inpact, on 11 October 2016.

Networks

The country is keen to share this experience with other governments and international organisations.

At the global level, the French government has participated in different Organisation for Economic Co-operation and Development and OGP working groups and contributes to several international initiatives, including through technical cooperation.[91] For instance, uData, developed by Etalab to share the code of data.gouv.fr, is available on GitHub as a 'customizable and skinnable social platform dedicated to (open) data',[92] and technical collaborations are ongoing with Luxembourg, Serbia and Togo. In February 2016 a hackathon, #HackFrancophonie, was organised in Paris by the OGP, Etalab, the Burkina Open Data Initiative, the World Bank and the French Media Cooperation Agency. France wants to support developing countries' efforts in the digital field as a way to achieve the 17 Sustainable Development Goals adopted in September 2015.

Tools

France is supporting the development of open data tools but the anti-corruption dimension needs to be strengthened.

Through regular hackathons and contests, Etalab supports the development of new applications, visualisations and other tools based on open data. On data.gouv.fr, from all listed examples of data reuse, only one that relates to the fight against corruption[93] is found in a search on the database. During the hackathon #OpenAsso, organised in September 2016, three of the six participating organisations proposed working on anti-corruption related issues.[94] It was a one-off event, however, and not dedicated only to anti-corruption.

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91   Etalab (2016), p. 84.
92   See https://github.com/opendatateam/udata.
93   It is the dataset created from visualiserlacorruption.fr during the hackathon #OpenAsso, organised by Etalab.
94   See case study 'Promoting Open Data among NGOs: A Hackathon Organized by Etalab'.

SECTORAL USE CASE

CASE STUDY: FRANCE

How to get Anti-Corruption Data Published

AS KEY DATA is not always available, anti-corruption organisations can put pressure to get some data published. Transparency International France has twice been successful doing this.

First, in December 2014 the organisation produced a map of corruption cases in France, allowing users to know more about convictions for corruption-related offences.[95] This project was created without public data as no central public database of court rulings exists. The underlying dataset was based on press articles. When launching the website, Transparency International France recognised straightaway that the dataset was not complete. Two years later the Law for a Digital Republic introduced the requirement to publish court rulings in open data format. It is limited by several conditions (regarding the protection of personal data), but the principle of opening up court data has been adopted.

Likewise, Transparency International France has used the MPs' declarations of interests published by the High Authority for Transparency in Public Life (HATVP), which oversees these declarations, to create an online database of interests and income with a visualisation of the results.[96] Since these declarations were handwritten PDFs – even though the legislation wanted them to be in a reusable format – it took a long time to collect and harmonise the data for the project. At the end of it, though, the quality of the data was still unsatisfactory. Transparency International France used this argument to plead for the real publication in open data format of the declarations. Six months later a decree was published, in May 2016,[97] making online declarations mandatory starting from 15 October 2016. This online declaration should make the publication in open data format of the next round of declarations easier (for the upcoming national elections in 2017). The HATVP is committed to doing so.[98]

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95   See www.visualiserlacorruption.fr/home.
96   See http://integritywatch.fr.
97   Décret no. 2016-570, of 11 May 2016, relatif à la transmission à la Haute Autorité pour la transparence de la vie publique des déclarations de situation patrimoniale et déclarations d'intérêts par l'intermédiaire d'un téléservice.
98   See www.hatvp.fr/presse/la-teledeclaration-generalisee-pour-les-responsables-publics.
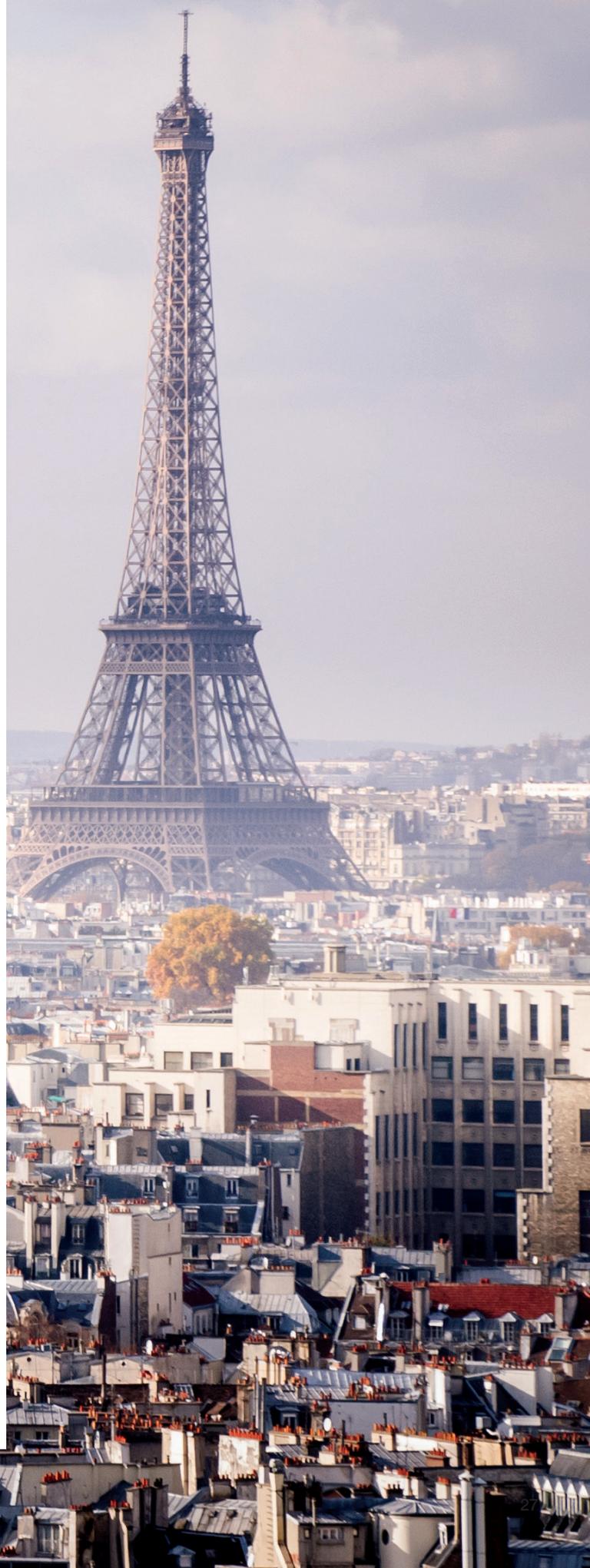
CONCLUSIONS AND RECOMMENDATIONS

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A real open data movement has emerged in France, buoyed up on a strong base of political commitment. New laws recently adopted illustrate this dynamic, as well as the coming publication of key datasets. The national elections in spring 2017 might affect current policy, but, regardless of the outcome of the elections, the new administration will have to address the following findings for each of the six G20 principles.

Open by Default. The recently adopted Law for a Digital Republic includes the G20 principle of open by default (although the corresponding application decrees still have to be adopted). Nevertheless, full implementation of this principle is challenged by the persistence of licence fees, the inadequacy of current ICT systems, the reluctance of top administrative officials and the CNIL to release sensitive data, and weak public knowledge of the right to information (strengthening this awareness appears to be the best option to overcome the two previously cited obstacles). Finally, the 'open by default' policy does not clearly target anti-corruption datasets.

Timely and Comprehensive. All datasets published on data.gouv.fr are updated regularly, and feedback can be made to improve data quality. When it comes to sensitive data, however, such as government spending, political financing or public procurement, the datasets either are not available or are of a lower quality in terms of granularity and the frequency of updates.

Accessible and Usable. The national portal, data.gouv. fr, aims to provide accessible and reusable data. As there is no obligation for local governments, CSOs and companies to publish on this platform, not all publicly opened datasets are available there. Furthermore, some public agencies, such as IGN, SHOM (the National Hydrographic Service) and Météo-France, do not publish their data in an open data format.

Comparable and Interoperable. Datasets published by public institutions on data.gouv.fr should be in line with open standards and include metadata. France also participates in several multilateral initiatives aimed at developing global transparency standards on anti-corruption-related issues.

For Improved Governance and Citizen Engagement. Anti-corruption is not a top-priority objective of French open data policy. No specific research has been conducted on the issue. Likewise, public officials are not trained to use open data as a means to enhance the effectiveness of corruption prevention. Some efforts are being made to improve the situation, however. Some datasets useful for anti-corruption purposes are now made public, and Etalab is working to improve the utility of this data.

For Inclusive Development and Innovation. France supports other countries' efforts through technical cooperation and its own participation in multilateral institutions (such as the Open Government Partnership, the International Open Data Charter, etc.). At the national level, progress has to be made in terms of education and training. Companies in some sectors do not open up their data because they want to but because they are forced to.

KEY RECOMMENDATIONS

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In line with its new anti-corruption efforts over the past two years, the French government needs to make the fight against corruption a clear objective of its open data strategy. Anti-corruption must appear clearly in the formalised policies and guidelines (namely the OGP National Action Plan, the Open Data Roadmap and the 'Vademecum'). More specifically, France should implement the following recommendations.

1   **Promote the right to information among citizens** so as to secure the publication of key anti-corruption datasets and thus better prevent corruption. This awareness raising must be done in the form of dedicated online and offline training, tools and guidelines.

2   **Catalyse a change of culture at all government levels** through dedicated training efforts that demonstrate the positive impact of open data in fighting corruption.

3   **Strengthen the powers of the Commission d'Accès aux Documents Administratifs** by making its statements binding and facilitating the request process for citizens to exercise their legal right to access information.

4   **Adopt reference open data standards or develop new ones that are compatible with international standards,** in particular for the public procurement sector.

5   **Support the activities of Etalab and local governments** by providing them with the necessary resources (financial and human) to open up strategic data, and to ensure high data quality and further reuse.

6   **Ensure that the application decrees for the Law for a Digital Republic are adopted** in time and respect the ambition of the original text adopted by the Assemblée nationale.

7   **Avoid the use and abuse of licence fees,** so as to guarantee free and equal access to key data.

8   **Include government spending in the list of priority data** and release the Chorus database, listing all public expenses.