OPEN DATA AND THE FIGHT AGAINST CORRUPTION IN SOUTH AFRICA

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EXECUTIVE SUMMARY

In South Africa, corruption and a lack of accountability are endemic across both the public and private sectors. This state of affairs is captured by the country's rankings in international indices that measure corruption or related matters and by the reams of reports on corruption in the media. There is also evidence of anti-corruption efforts from many quarters, however.

The government has made high-level commitments to combating corruption in the country, the most recent being its statement on anti-corruption commitments at the Anti-Corruption Summit held in the United Kingdom in May 2016. South Africa is also a founding member of the Open Government Partnership (OGP), a global organisation that promotes more open and transparent governments, and is a member of the G20 group of countries.

South Africa does not have a specific open data policy and it has not endorsed the International Open Data Charter. The strongest statement from government on the links between open data and anti-corruption are to be found in its *National Development Plan: Vision for 2030* publication. The National Development Plan (NDP) is one of the few high-level government documents to make specific recommendations in terms of open data in general and anti-corruption in particular.[1]

The *National Integrated ICT* information and communication technologies *Policy White Paper*,[2] published in September 2016,[3] aims to 'provide the framework for implementing Government's commitment to open governance and open data'.[4]

South Africa's 3rd OGP National Action Plan includes three commitments that bring open data and anti-corruption together: (1) open budgeting, which commits to making information publicly available via an accessible platform that allows citizens to track government spending; (2) a national open data portal, to increase government transparency; and (3) beneficial ownership transparency.[5]

Overall, this assessment of the government's activities with reference to the commitments it has made in the G20 Principles reveals that South Africa performs poorly at the national level in translating these into national policy and practice. Without stronger political leadership and the de-institutionalisation of corruption, the transparency offered by open government data is unlikely to translate into accountability.

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1   National Planning Commission, *National Development Plan: Vision for 2030* (Pretoria: National Planning Commission, 2011), p. 408, www.gov.za/sites/www.gov.za/files/devplan_2.pdf.

2   Department of Telecommunications and Postal Services, *National Integrated ICT Policy White Paper* (Pretoria: Department of Telecommunications and Postal Services, 2016), www.dtps.gov.za/images/phocagallery/Popular_Topic_Pictures/National_Integrated_ICT_Policy_White.pdf.

3   Fin24Tech, 'Cabinet Finally Approves SA ICT Policy', 29 September 2016, www.fin24.com/Tech/News/cabinet-finally-approves-sa-ict-policy-20160929.

4   Department of Telecommunications and Postal Services (2016), p. 117.

5   Open Government Partnership, 'The 3rd South African Open Government Partnership Country Action Plan, 2015–2017' (Washington, DC: Open Government Partnership, 2015), www.opengovpartnership.org/sites/default/files/South_Africa_Third_%20AP.docx.

KEY FINDINGS

Based on the assessment of whether South Africa is meeting its commitments in the G20 Data Principles, the following are some broad, cross-cutting findings.

1 In terms of anti-corruption, South Africa is commitment-rich but implementation-poor.

2 Too few key anti-corruption datasets are available as open data.

3 The use of open data to make government transparent in efforts to combat corruption is not even across government departments: the National Treasury is setting the pace; others need to follow.

4 Of those anti-corruption datasets that are available, not one meets the requirement of being published under an open licence, using open standards or providing metadata. This hampers both the usability and usefulness of the data.

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 South Africa 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, France, Germany and Indonesia.

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.

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, together with 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 is or 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 the 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: monthly government expenditure on specific items (usually this means individual records of spending amounts under $1 million, or even under $100,000).

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 South Africa 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 register	✘	✘	✘	✘	✘	✘	✘	✘	✘	0
Company register[II]	✔	✘	✔	✘	✘	✘	✘	✘	✘	2
Beneficial ownership	✘	✘	✘	✘	✘	✘	✘	✘	✘	0
Public officials[III]	✔	✘	✔	✘	✘	✔	✘	✘	✘	3
Government budget[IV]	✔	✔	✔	✔	✘	✔	✘	✘	✔	6
Government spending	✘	✘	✘	✘	✘	✘	✘	✘	✘	0
Public procurement[V]	✔	✘	✔	✘	✘	✔	✘	✘	✔	4
Political financing	✘	✘	✘	✘	✘	✘	✘	✘	✘	0
Voting records	✘	✘	✘	✘	✘	✘	✘	✘	✘	0
Land register[VI]	✔	✘	✘	✘	✘	✘	✘	✘	✘	1

I   See https://www.transparency.org/whatwedo/publication/7666

II   See www.cipc.co.za.

III See www.parliament.gov.za/live/content.php?Category_ID=97.

IV   See www.treasury.gov.za/documents/national%20budget/2016/review/excel.aspx.

V   See www.gov.za/documents/awarded-tenders.

VI   See http://deedsview.deeds.gov.za/docman/DocmanMain/DocmanMain.html (after registering at www.deeds.gov.za/
     ITSODeedsWebB/deedsweb/register.jsp?focusfield=1&tagopen=Register&tagHeader=Register%20for%20DeedsWeb).

COUNTRY OVERVIEW

OPEN DATA AND CORRUPTION IN SOUTH AFRICA

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Corruption

While the actual value of the cost of corruption in South Africa may be disputed,[10] civil society organisations (CSOs) such as Corruption Watch and the Public Service Accountability Monitor are unequivocal that corruption and a lack of accountability are endemic and evident across government and that the private sector is often complicit.

Corruption includes gross financial misadministration, fraud, political interference in the recruitment of public sector staff, fraudulent representations by executive staff of their qualifications, and procurement irregularities including bribery.[11] These claims are supported by South Africa's rankings in international indices that measure corruption or related matters.[12]

Corruption is seen as being pervasive, even systemic, in South Africa.[13] This makes it more difficult to single out particular sectors, and there is no empirical evidence to support the selection of certain sectors as high-risk. For example, corruption is generally acknowledged to be a problem in the health sector, but there is no data to indicate the extent of the corruption there[14] nor its relative extent compared to other sectors. Nevertheless, there is some evidence pointing to corruption 'hot spots'. Corruption Watch indicates that in 2015 it received reports of corruption mainly in the areas of education (16 per cent of the total), traffic licensing (12 per cent) and immigration (6 per cent).[15]

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10   See Africa Check, https://africacheck.org/reports/has-sa-lost-r700-billion-to-corruption-since-1994-why-the-calculation-is-wrong.

11   Open Government Partnership, *South Africa Progress Report 2013–2014: Second Progress Report* (Washington, DC: Open Government Partnership, Independent Reporting Mechanism, 2014), p. 23, www.opengovpartnership.org/sites/default/files/IRMReport_SouthAfrica_final.pdf.

12   See Transparency International's Transparency Index (www.transparency.org/cpi2015#results-table), the World Justice Project's Rule of Law Index (http://data.worldjusticeproject.org/#/groups/ZAF) and the Afrobarometer (http://afrobarometer.org/).

13   M. Merchant, 'A Captured State? Corruption and Economic Crime', in G. Carbone (ed.), *South Africa: The Need for Change* (Milan: Ledizioni Ledi, 2016), pages 35–54.

14   L. C. Rispel, P. de Jager and S. Fonn, 'Exploring Corruption in the South African Health Sector', *Health Policy and Planning*, vol. 31 (2015), pages 239–249.

15   Corruption Watch, *Amp Up the Volume: Annual Report 2015* (Johannesburg: Corruption Watch, 2016), www.corruptionwatch.org.za/wp-content/uploads/2016/03/Corruption-Watch-annual-report-2015.pdf.

The Organisation Undoing Tax Abuse (OUTA) has chosen to focus its efforts on the government's management of parastatal entities: Eskom, South African Airways, the South African Broadcasting Corporation and the South African National Roads Agency.[16] The auditor-general revealed a fivefold increase in irregular spending from 2007 to 2015, with much of the unaccounted-for expenditure taking place at the subnational level.[17]

At the Anti-Corruption Summit held in London on 12 May 2016, South Africa released a public country statement on anti-corruption.[18] South Africa's anti-corruption strategy, as spelt out in that statement, centres on recommendations contained in its National Development Plan and on the 'redrafting'[19] of a National Anti-Corruption Strategy, which was launched on 9 December 2016 as a discussion document for consultation.[20] It also lists key legislation promulgated to combat corruption in the country, pointing to the government's belief that a robust legislative framework is in place to root out corruption. These laws include the Prevention and Combating of Corrupt Activities Act 2004 (Act 12 of 2004), which is the key statute on corruption in South Africa, and the Promotion of Access to Information Act (Act 2 of 2000), which gives effect to the constitutional right of South Africans to access government-held information.[21, 22]

However, there is a growing schism within the government, which is divided and cannot, in the current context, be seen as taking a unified position on corruption. At the core of the government divide are opposing stances on legitimate government spending.

16   See www.outa.co.za.

17   Merchant (2016).

18   'South Africa Country Statement', UK Anti-Corruption Summit, 12 May 2016, www.gov.uk/government/uploads/system/uploads/attachment_data/file/522729/South_Africa.pdf.

19   The word 'redrafting' is a misnomer, because no previous anti-corruption strategy has been drafted or published.

20   See https://www.unodc.org/southernafrica/en/stories/the-country-we-would-like-to-live-in_-a-call-for-stronger-anti-corruption-actions-in-south-africa.html.

21   This piece of legislation, for reasons unknown, is not listed in the South Africa Country Statement.

22   For a more detailed overview of anti-corruption legislation in South Africa, See Corruption Watch, *Corruption and the Law in South Africa* (Johannesburg: Corruption Watch, 2015), www.corruptionwatch.org.za/wp-content/uploads/2015/06/Corruption-Watch-Corruption-and-the-law-in-SA.pdf.

Open data

A number of conditions are required to ensure that anti-corruption reforms in any context are effective, sustainable and not easily subverted, one of which is the availability of usable data to inform policy and strategy.[23] While passive disclosure is well provided for in the legislative framework of the country, active disclosure by government in the form of open data is less well established. The Open Data Barometer, an index that measures the readiness, implementation and impact of open data, placed South Africa 47th out of 92 countries globally, a drop of six positions compared to its 2014 ranking.[24]

South Africa does not have a specific open data policy and it has not endorsed the International Open Data Charter, but it has been in the process of drafting a revised ICT policy to replace the existing, separate policies on telecommunications (1996), broadcasting (1998) and postal services (1998). The ICT Policy Review Report of 2015 explicitly recommends that 'an open data policy must be developed based on recognised Open Data Principles'.[25]

The *National Integrated ICT Policy White Paper*[26] was finally published on 28 September 2016.[27] It notes in the chapter on a digital society that it aims to 'provide the framework for implementing Government's commitment to open governance and open data'.[28] Section 10.4.4 of the White Paper deals specifically with open government and open data, setting out the government's commitments as per the South African Constitution, as well as its commitments as a member of the Open Government Partnership.

The White Paper commits South Africa to developing a 'clear Open Government Data action plan and manual'. There are therefore currently no guidelines in place as to what data will be excluded, nor is there any specific statement in the White Paper that pertains to the relationship between open data and anti-corruption measures.

The G20 Anti-Corruption Working Group has established open data as a priority measure to tackle corruption, thereby establishing a clear link between open data practice in member countries and their strategies to fight corruption. The G20 Principles constitute a critical first step in leveraging open data to enable a culture of transparency and accountability so as to prevent corruption in member countries.[29]

South Africa's 3rd Open Government Partnership National Action Plan includes three commitments that bring open data and anti-corruption together: (1) open budgeting, which commits the government to making information publicly available via an accessible platform, allowing citizens to track government spending; (2) a national open data portal, to increase government transparency; and (3) beneficial ownership transparency.[30]

23   M. Camerer, *What Makes for Effective Anti-Corruption Systems?*, Occasional Paper no. 10 (Johannesburg: South African Institute of International Affairs, 2008), www.saiia.org.za/occasional-papers/152-what-makes-for-effective-anti-corruption-systems/file.

24   Open Data Barometer, http://opendatabarometer.org/data-explorer/?_year=2015&indicator=ODB&lang=en&open=ZAF.

25   Department of Telecommunications and Postal Services, *ICT Policy Review: Recommendations Report* (Pretoria: Department of Telecommunications and Postal Services, 2015), p. 5, http://www.ellipsis.co.za/wp-content/uploads/2015/01/Executive-Summary-National-Integrated-ICT-Policy-Review-Report-March-2015.pdf.

26   Department of Telecommunications and Postal Services (2016).

27   Fin24Tech (29 September 2016).

28   Department of Telecommunications and Postal Services (2016), p. 117.

29   A. McDevitt and J. Marin, *Anti-Corruption Commitments in the Open Government Partnership* (Berlin: Transparency International, 2016), www.opengovpartnership.org/sites/default/files/Anticorruption_OGP.pdf

30   Open Government Partnership (2015).

OPEN DATA PRINCIPLES

IMPLEMENTATION OF THE G20 PRINCIPLES

Along with the other G20 countries, in 2015 South Africa adopted the G20's Open Data Principles, which recognise open data as a crucial tool to help bring about the culture of transparency, accountability and accessible information that can more effectively prevent corruption. The G20 Principles are based on the International Open Data Charter,[31] which South Africa has not yet 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[32] has been used to look at the different elements contained within each of the principles.

Principle 1: Open Data by Default

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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31   See http://opendatacharter.net.
32   The methodology was developed by the Web Foundation and Transparency International: see https://www.transparency.org/whatwedo/publication/7666

Existing open data policies

South Africa does not currently meet the requirement of having in place a policy supporting an 'open data by default' position in government.

South Africa does not have a specific open data policy and, as mentioned, has not endorsed the International Open Data Charter.[33] The ICT White Paper[34] makes an explicit statement about government data being open by default: 'Government should *default* towards making information and data open while not compromising people's rights to privacy and security.'[35] It needs to be emphasised, however, that the White Paper is not a substitute for a government open data policy. As a policy intervention, the White Paper goes only as far as requiring the development of 'a clear Open Government Data action plan and manual',[36] without providing any guidance in terms of responsible agencies, timelines or resources.

Given that the ICT White Paper was not published until the end of September 2016, it is too soon to assess whether it will be an effective instrument for ensuring the realisation of an open government data action plan and its subsequent implementation.

Exceptions to the 'open by default' principle

South Africa does not currently meet the requirement of setting out exceptions to the 'open government data by default' policy, as no open data policy exists.

Exceptions are listed in the ICT Policy White Paper, however, and include: data 'subject only to restrictions to protect privacy, confidentiality and security in line with the Constitution'; 'not compromising people's rights to privacy and security'; and the assurance that 'personal, classified and confidential information will be protected'.[37]

In connection with the commitment to developing a 'clear Open Government Data action plan and manual', the White Paper says that the manual will include 'information on what types of public information should be available for everyone to access, reuse and

redistribute. It will also clarify what information will not be made available, such as personal and classified information and data and what security measures will be put in place to protect data and metadata from interference by unauthorised users.' What the White Paper does not do, however, is indicate what processes and procedures will be put in place to adjudicate what data will be released or excluded when the open government data manual fails to provide definitive guidelines.

Open data practice

There is a disjuncture between policy and practice, between high-level commitments and the implementation of open data initiatives at departmental or agency level.

There is no formal open data policy, making it impossible to say anything definitive about the adherence to or implementation of existing policies.

It is informative, however, to note that an independent assessment under the terms of South Africa's Open Government Partnership membership has found implementation and coordination to be lacking.[38] Research commissioned by the World Wide Web Foundation on embedding open data practice in government has shown exactly this to be the case in South Africa as well.[39]

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

South Africa does not currently have in place the ICT infrastructure or systems required to meet the standard of open government data by default.

A 2012 report, commenting on South Africa's 'ICT Vision 2020', comments on the decline of the ICT sector in South Africa due to low levels of trust and cooperation between government and the private sector ICT industry, which have often been evidenced by courtroom battles.[40] Extended delays in finalising a revised integrated ICT policy (the 2016 White Paper) and a stalled policy on interoperability for government information systems further attest to a lack of progress,

33   See http://opendatacharter.net/adopted-by-countries-and-cities.

34   Department of Telecommunications and Postal Services (2016).

35   Ibid., p. 122.

36   Ibid.

37   Ibid., pp. 121–122.

38   Open Government Partnership (2014), p. 23.

39   F. van Schalkwyk, M. Willmers and T. Schonwetter, *Embedding Open Data Practice: Developing Indicators on the Institutionalisation of Open Data Practice in Two African Governments* (Cape Town: University of Cape Town Intellectual Property Unit, 2015), http://webfoundation.org/docs/2015/08/ODDC-2-Embedding-Open-Data-Practice-FINAL.pdf.

40   A. Gillwald, M. Moyo and C. Stork, *Understanding What's Happening in ICT in South Africa: A Supply- and Demand-Side Analysis of the ICT Sector*, Policy Paper no. 7 (Cape Town: Research ICT Africa, 2012), www.researchictafrica.net/publications/Evidence_for_ICT_Policy_Action/Policy_Paper_7_-_Understanding_what_is_happening_in_ICT_in_South_Africa.pdf.

hampering data-sharing. As a more recent report points out: 'Current expenditure is mainly limited to day-to-day ICT requirements across national and provincial departments.'[41]

Open data for anti-corruption skills at the national level

There is no evidence of a systematic approach to training and capacity-building.

The Ikamva National eSkills Initiative (iNeSI), an initiative of the Department of Communications, is part of a national strategy to reduce the lack of e-skills in South Africa.[42] While INeSI works across all sectors, including government, it does not specifically focus on government, nor does it appear to offer specific certified training on open data as a tool for countering corruption.

Subnational open data awareness programmes

There are no awareness-raising or training programmes with a specific focus on making subnational governments.

From the findings of the report on the implementation of South Africa's OGP commitments: 'Policy coordination and implementing OGP between the national, provincial, and local spheres of government remains a key challenge in South Africa. … The DPSA acknowledges that there needs to be better forms of coordination regarding implementation of the OGP across different spheres of government.'[43]

Data protection laws

There is in place a robust regulatory framework governing data protection in South Africa without impeding the release of aggregated non-personal data.

Under the Protection of Personal Information (POPI) Act (Act 4 of 2013),[44] organisations in South Africa are required to be open and transparent about how they handle personal information, and allow individuals to access and correct the personal information held by organisations. The pending appointment of the Information Regulator for the Protection of Personal Information Act is nearing conclusion following a favourable vote on 7 September 2016 for the nomination of Advocate Pansy Tlakula as the chairperson of the Information Regulator.[45]

The ICT White Paper recognises the right to privacy, confidentiality and the protection of personal data by listing exceptions to an 'open data by default' policy.[46]

Right to information legislation

There is a functioning right to information law in South Africa, but there are also challenges in using the law to access information that is in the public interest.

South Africa's Constitution in chapter 2, 'Bill of Rights', enshrines the right of access to information held by the state: 'Everyone has the right of access to (a) any information held by the state; and (b) any information that is held by another person and that is required for the exercise or protection of any rights.' The Promotion of Access to Information Act (PAIA) gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.[47]

The law applies to public institutions and private organisations alike when the information requested is deemed to be in the public interest. No central agency exists to deal with PAIA requests; every public and private organisation is required to publish a PAIA manual on its website providing the public with clear guidelines on the process, costs and contact persons for PAIA requests.

Unfortunately, many public bodies seem to hamper access to information, either due to the failure of internal systems or as a result of the incompetence of the information officers to whom a request has been made.'[48]

Bureaucratic resistance to implement access to information rights includes the failure to provide manuals (to ensure people-friendly access to the right); difficult requirements for processing information requests and the ineffective PAIA enforcement mechanisms (to ensure compliance by public and private bodies with mandatory obligations in PAIA).'[49]

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41 IT News Africa, 'South African Govt. Steps Up Investment in ICT', 10 July 2015, www.itnewsafrica.com/2015/07/south-african-govt-steps-up-ict-investments.

42 See http://inesi.org.za/about-inesi/what_is_inesi.php.

43 Open Government Partnership (2014), p. 23.

44 See www.saflii.org/za/legis/consol_act/popia2013380.

45 KPMG, 'Information Regulator Appointment Awaiting Confirmation', 8 September 2016, https://home.kpmg.com/za/en/home/insights/2016/09/information-regulator-announced.html.

46 Department of Telecommunications and Postal Services (2016), pp. 121–122.

47 As mentioned previously, this piece of legislation is not listed in the South Africa Country Statement.

48 A. van Heerden, A. Govindjee and D. Holness, 'The Constitutionality of Statutory Limitation to the Right of Access to Information Held by the State in South Africa', *Speculum Juris*, vol. 28 (2014), pages 27–54, www.ufh.ac.za/speculumjuris/files/pdf/SJ3114.pdf.

49 South African Human Rights Commission (2013), p. 3.

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

South Africa partially meets the requirement to make available online key anti-corruption datasets.

An analysis of key national anti-corruption-related datasets has revealed that five of the ten key national datasets are published online. No data exists for lobbying registers; the beneficial ownership of companies, land or other assets; monthly government expenditure at the transactional level; the financing of political parties; and voting records from parliamentary sessions.

At the time of writing there was a Bill approved by parliament and awaiting the president's assent that requires the collection of beneficial ownership data.[50] There have also been calls by the media for greater transparency in lobbying and the funding of political parties in South Africa.[51]

Timeliness of available key anti-corruption datasets

Anti-corruption datasets are not published in a timely fashion or updated regularly.

Only one of the five key national anti-corruption-related datasets available online is published in a timely fashion and updated regularly: the budget data published by the National Treasury. For three of the other datasets – the directories of public officials and companies and public procurement data – the data appears to be up to date, but it is not possible to verify this as the publishers of the data do not provide information on when the data was published or updated.

Granularity of the data

South Africa meets the requirement to make available data in granular form without data aggregation.

Four of the five key national anti-corruption-related datasets available online can be described as providing data at the granular level.

The data on public officials is detailed, though not always complete. Data provided includes: name, political party, role, contact details and a register of interests.

Budget data is consolidated into an 11-sheet Excel document that provides financial data on revenue and estimated annual expenditure by source and vote. Detailed budgets are also available for each of the budget votes. These budgets provide annual data for amounts as low as ZAR100,000 (approximately US$7,000). For tender (contract) data, the following are available: tender number; date advertised; briefing date; date awarded; description of product/service; value of tender; bidder's name; name of directors in bidding company/companies; and end date of tender.

Data on companies contains data on the enterprise name, number, type, status and registration date, and directors' names, partial identity number, role and status. An enterprise number is required to retrieve this information, however, and no comprehensive list of companies is available to allow users to find the enterprise numbers for registered companies.

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50 Following the writing of this report, President Zuma referred the Bill back to parliament for reconsideration:See fin24, 'Fica Bill Unconstitutional, Says Zuma', 29 November 2016, www.fin24.com/Economy/zuma-fica-bill-unconstitutional-20161129. The progress of the Bill can be tracked on the Parliamentary Monitoring Group's website: https://pmg.org.za/bill/607.

51 *Mail & Guardian*, 'Stop the Rot of Secret Party Funding' (editorial), 17 January 2014, http://mg.co.za/article/2014-01-16-editorial-stop-the-rot-of-secret-party-funding.

Feedback loops

South Africa does not meet the requirement of allowing data users to provide feedback on the published data.

For the anti-corruption data sources assessed, government departments and agencies do not provide tools or channels for users to comment directly on the data published. At most, users are provided with an e-mail address to which feedback related to any aspect of the government website from which the data is available can be sent.

Statistics South Africa's website provides a 'Contact us' link as a sub-item on the 'About us' item listed in the main menu. The 'Contact us' page consists of a simple web form that does not allow for users to provide data-specific feedback.

South Africa's National Data Portal makes available to visitors of the website a 'Contact' page. This web page provides an e-mail address for user feedback and directs visitors to a 'User report' application. The 'User report' allows users to provide feedback, and to see what feedback other users have provided.

Data management

South Africa partially meets the requirement of consistent information lifecycle management practices.

The national statistics office, Statistics South Africa (StatsSA), has in place clear guidelines and frameworks for the publication and archiving of national statistics (see, for example, its 'Standards Development Cycle',[52] *Concepts and Definitions for Statistics South Africa* publication[53] and the South African Statistical Quality Assessment Framework (SASQAF).[54] StatsSA has an important role to play in setting benchmarks for statistical reporting across all government departments, including those that are curators of data of relevance to fighting corruption.

Neither StatsSA nor the SASQAF makes any explicit reference to open data, though the SASQAF does make reference to the importance of the timeliness, accessibility and 'interpretability' of data – principles that are consistent with those of the principles of open data.

Principle 3: Accessible and Usable Data

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

South Africa partially meets the requirement to make available data in a central open data catalogue that eases access to government datasets.

South Africa launched a beta version of its open data portal in 2015 as part of its OGP commitments.[55] The portal contained 409 datasets on 9 September 2016. Of concern is the fact that, as at 24 October 2016, the most recent dataset had been added on 21 October 2015, and a batch of datasets had been added on 18 October 2015, ahead of a nationwide data quest.[56] Furthermore, many of the links to the 409 datasets listed on the portal were found to be broken.[57] The portal clusters datasets according to ten themes, of which one is 'Government Transparency'. As at 24 October 2016, however, no datasets were listed under this theme. The National Data Portal contains minimal descriptive information of the datasets on the site, and no policies, statements or strategies relating to the publication of data could be found.[58] Overall, there is no reference to the management and publication of open data.

52 Statistics South Africa, 'Standards Life Cycle', www.statssa.gov.za/standardisation/Stds_lifecycle_diagram.pdf.
53 Statistics South Africa, *Concepts and Definitions for Statistics South Africa: Version 3* (Pretoria: Statistics South Africa, 2010), www.statssa.gov.za/standardisation/Concepts_and_Definitions_%20StatsSAV3.pdf.
54 Republic of South Africa, Statistician-General (2010). South African Statistical Quality Assessment Framework. Second Edition. http://www.statssa.gov.za/standardisation/SASQAF_Edition_2.pdf
55 Ibid.
56 South Africa National Data Portal, http://data.gov.za/community.html.
57 See footnote 43.
58 South African National Data Portal, http://data.gov.za.

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

South Africa does not meet the requirement for private sector organisations to publish open data related to anti-corruption.

Legal provisions promoting greater transparency exist but none require the publication of anti-corruption related data that meet the criteria of being open.

Private companies incorporated in South Africa are legally required to report truthfully on their business operations, and failure to do so is an offence.[59] Companies are not explicitly required by law to release anti-corruption, beneficial ownership, lobbying and other related data, however.

The Companies Act (Act 71 of 2008) requires all registered companies to calculate their 'public interest' score in order to determine the applicable financial reporting standard to be used. Every company must disclose this score on its annual return. The public interest score computation refers to the term 'beneficial interest', vital information in combating corruption.[60] According to the Act, any person who holds or has a beneficial interest in a company has a right to inspect and copy the information contained in the records of the company. Those who have no beneficial interest may submit a PAIA request for such information, subject to the provisions of the Act. Company information is therefore not open by default.

Machine-readable, open and multiple formats

The government does not publish anti-corruption data in machine-readable and reusable formats, nor does it comply with the requirement to publish data in multiple formats.

Only one of the five key national anti-corruption-related datasets online is available in a machine-readable format: budget data.

The G20 Principles also require data to be published in multiple formats so that 'it can be processed by computers and used by people'. Of the available datasets, the budget datasets are published in Microsoft Excel (machine-readable) and PDF (human-readable) formats. All the other available datasets are published in human-readable HTML format only.

Access costs and licensing

The government does not comply with the two openness criteria as set out in this requirement.

None of anti-corruption datasets meet the criteria of being both free of charge *and* openly licensed. Four of the five available datasets are available free of charge but are not published under an open licence: company register, public officials, national budget and public procurement data. Access to land data requires payment.

Of the datasets available, none are published under an open licence. In all cases, there is no specific indication of a data licence, and all the websites on which the available datasets are made available are published under a copyright licence.

Registration to access data

The government partially complies with the requirement to release the datasets without mandatory registration.

Three of the five available datasets do not require registration to access the data. The two datasets that require registration are the companies register and the title deeds database. Both the title deeds database and the companies register require the provision of personal identity numbers in the registration process; the former requires payment to access the data while the latter requires payment for official records.

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59   See Companies Act 2008 (Act no. 71 of 2008), chapter 9: 'Offences, Miscellaneous Matters and General Provisions', part A: offences and penalties, 214; false statements, reckless conduct and non-compliance.

60   Ibid.

Open data awareness, data literacy and capacity-building

There are limited examples of government promoting greater awareness, data literacy and/or capacity-building initiatives within civil society and the private sector for an effective use of open data.

In terms of open data specifically, the deputy minister of public service and administration, Ayanda Dlodlo, hosted the South African Open Government Partnership 'Open Data Project' seminar in Pretoria on 7 April 2016.[61] The seminar was seen as a platform whereby experts from the United Kingdom could exchange knowledge with relevant South African stakeholders on open data, including civil society organisations and technology professionals invited by the government to attend.

In terms of both open data and the information technology sector, there is evidence that the national government is beginning to engage closely with this sector. Examples include Code for South Africa working with the government in developing its open data portal[62] and working with the National Treasury on releasing municipal budget data.[63]

Code for South Africa in collaboration with the National Open Data Portal hosted a nationwide 'Data Quest' event in Durban, Pretoria and Cape Town in October 2015. The triple events were aimed at showcasing how open government data can be reused.[64] The Department of Water and Sanitation (DWS) co-hosted the 'Hack for Water and Sanitation' event with the Open Government Partnership in April 2016. Other partners included Code for South Africa, the Innovation Hub, Microsoft and the Water Research Commission.

Principle 4: Comparable and Interoperable

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

The government does not implement open standards relating to data formats, interoperability, structure and/or common identifiers when collecting and publishing data.

None of the datasets use open standards in relation to data structure; a limited number of datasets are published that comply with open formats.

A revised version of the Minimum Interoperability Standards for Government Information Systems (version 5.0) was released in November 2011. This document is yet to be signed by the relevant minister. The recently published ICT White Paper does, however, state that 'Government digital services provided must be generally based on open standards and be available and accessible on all devices and platforms.'[65]

Government data is mainly published in non-machine-readable formats (such as PDF or HTML) or in machine-readable formats that cannot be considered open standards (for example, Excel xls in the case of the budget data tables, and economic and other data on the Statistics South Africa website). The government's open data portal does publish some datasets in machine-readable and open formats, however, such as csv.

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61   South African Government, 'Deputy Minister Ayanda Dlodlo Hosts South African OGP Open Data Project Seminar, 7 Apr', 6 April 2016, www.gov.za/speeches/deputy-minister-dlodlo-host-south-african-open-government-partnership-ogp-open-data-project.

62   South Africa National Data Portal, http://data.gov.za.

63   See http://code4sa.org/projects/municipal-finance.html.

64   South Africa National Data Portal, http://data.gov.za/community.html.

65   Department of Telecommunications and Postal Services (2016), pp. 120, 121.

Metadata

The government does not publish metadata to describe the anti-corruption-related datasets included in this study.

The government's open data catalogue does publish limited metadata – data source, file type, file size, date added and web location – describing the datasets published on the portal. Statistics South Africa also publishes metadata along with datasets.[66]

Documentation

The government partially complies with the requirement to provide clear accompanying documentation for the published datasets with sufficient information to understand the source(s) and analytical limitations of the data.

For two out of the five available datasets, the government provides accompanying information to assist users to better understand and interpret the data. Data available from the National Treasury on the budget and on government tenders is published with accompanying documentation. In the case of budget data, the statistical tables are accompanied by the following PDF documents: a 17-page glossary of technical terms,[67] a 50-page document providing an explanation on the division of revenue in the budget[68] and a 15-page document explaining how the government's accounts are structured.[69] The 17 files published on the procurement website[70] consist primarily of documents to support applicants in the submission of tenders to the government.

Data and transparency standards

There is no evidence that the government is engaging with domestic or international anti-corruption standards bodies, such as the Open Contracting Data Standard, the Extractive Industries Transparency Initiative Standard, the Construction Sector Transparency Initiative, the Global Initiative for Fiscal Transparency, the Popolo standard for civic engagement or the Fiscal Data Package.

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 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

There no evidence of the South African government using digital participation platforms to engage with relevant organisations working on anti-corruption in the country.

The South African government committed itself in its 2nd OGP National Action Plan to 'focus on mainstreaming citizen participation in the public sector'.[71] No use was made of digital participation platforms, however, and the OGP's Independent Reporting Mechanism recommends that government should 'pilot and explore innovative, technology-centred approaches to involve community engagement with the public sector'.[72] South Africa's 3rd OGP National Action Plan includes further commitments to support government departments in 'implanting' citizen-based monitoring of government.[73]

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66   See, for example, http://cs2016.statssa.gov.za/wp-content/uploads/2016/06/CS-2016-Metadata.pdf.

67   See www.treasury.gov.za/documents/national%20budget/2016/review/Glossary.pdf.

68   See www.treasury.gov.za/documents/national%20budget/2016/review/Annexure%20W1.pdf.

69   See www.treasury.gov.za/documents/national%20budget/2016/review/Annexure%20W2.pdf.

70   See www.etenders.gov.za/content/tender-documents.

71   Open Government Partnership, 'The 2nd South African Open Government Partnership Country Action Plan, 2013–2015' (Washington, DC: Open Government Partnership, 2013), p. 6, www.opengovpartnership.org/sites/default/files/OPG%20booklet%20final%20single%20pages.pdf.

72   Open Government Partnership (2014), p. 33.

73   Open Government Partnership (2015).

Toolkits

There is also no evidence of the South African government providing tools, success stories and/or guidelines designed to ensure that government officials are capable of using open data as a means to prevent corruption. It therefore does not meet the requirements set out by this clause.

Research

There is no evidence of the South African government conducting research or reviews on how best to use open data to prevent corruption.

The only official document in which the link between open data and anti-corruption is made is the *National Development Plan: Vision for 2030*.[74]

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. It therefore does not meet the requirements set out.

Interaction

There is some evidence that the South African government is beginning to support a culture of innovation with open data through competitions or grants.

These include improving citizen-based monitoring of government services.[75] There are also various innovation awards, funds and programmes, such as the Department of Arts, Culture, Science and Technology (DACST) initiative, which is capable of supporting open-data-related projects on merit, though there is no specific focus on open data.[76]

The National Treasury has held accountability workshops with Code for South Africa to explore the use of municipal finance data. The National Treasury invited civil society organisations and journalists to explore how best to use the available data to drive improved municipal performance. The workshops helped frame focus areas for a subsequent 'Data Quest'.[77]

Civic engagement with anti-corruption open data

Civil society organisations in South Africa appear to be using technology to enable citizens to report corrupt activities but there is no evidence that they are using open data.[78]

The use of technology does not automatically equate to the use of open data to fight corruption. No cases were found of a direct link existing between the use of open data by citizens and the fight against corruption.

The capabilities of South Africans in terms of using open data for anti-corruption is unknown. Given the poor levels of education,[79] however, and with just over half the population estimated to have access to the internet,[80] it is clear that the direct use of open data is limited to a small sector of society and that intermediaries such as the media and civil society organisations have an important role to play in facilitating the effective use of open data to combat corruption. CSOs, such as Code for South Africa, that have a particular focus on the use of open data to solve social problems play an important role in this regard, not least by providing technical support to other CSOs in the country.

74   National Planning Commission (2011).

75   Department of Performance Monitoring and Evaluation, 'Strengthening Citizen–Government Monitoring Partnerships: Update', November 2014, www.thepresidency-dpme.gov.za/keyfocusareas/cbmSite/CBM%20Documents/CBM%20Update_Nov%202014.pdf.

76   See www.dacst.gov.za/science_technology/innovation/other_funds.htm.

77   See http://code4sa.org/projects/municipal-finance.html.

78   Interview with Corruption Watch, 2 November 2016.

79   According to the 2011 census, only 4.3 per cent of the population have a university qualification: https://wazimap.co.za/data/table/?table=HIGHESTEDUCATIONALLEVEL&geo_ids=country-ZA&primary_geo_id=country-ZA.

80   International Telecommunication Union, 'Metadata for Percentage of Individuals Using the Internet', 2015, www.itu.int/en/ITU-D/Statistics/Documents/statistics/2016/Individuals_Internet_2000-2015.xls.

Principle 6: Data for Inclusive Development and Innovation

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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

The South African government only partially meets its obligation to promote the adoption of open data in other principles and activities supported by the G20's ACWG.

On the one hand, the government (by way of the National Treasury) is a member of and hosts the Collaborative African Budget Reform Initiative (CABRI) Secretariat. CABRI promotes transparent budgeting across Africa.[81] It has also made commitments as part of its Open Government Partnership membership to increase budget transparency and the collection and publication of data on the beneficial ownership of companies.[82] The National Development Plan makes explicit links between open data and anti-corruption.

On the other hand, however, the government has stalled on implementing a key piece of legislation that advances its commitments to reporting on beneficial ownership: the Financial Intelligence Centre Amendment Bill. The Financial Intelligence Centre

Amendment Bill was introduced into parliament on 27 October 2015. President Zuma is considering objections to the Bill that will allow the FIC to monitor the transactions of politicians, their family members and other politically connected individuals in the private sector. The Bill has already gone through the National Assembly and the National Council of Provinces, and was submitted to the president for assent on 25 May 2016.[83] No further action has been taken to date.

Anti-corruption data ecosystem

There is no evidence of the South African government encouraging citizens, civil society, private sector organisations or multilateral institutions to open up their data. On two occasions[84] South Africa's statistician general, Pali Lhohla, has stated that he objects to calls for StatsSA to publish open data when private companies (such as Google) do not make their data and algorithms open.

Partnerships

There is very limited evidence of the government creating or exploring partnerships with stakeholders working in the anti-corruption sector to support the release and use of key open datasets.

It is not possible to determine whether this is due to lack of initiatives on the part of the government or reticence on the part of CSOs, or both. Some CSOs are certainly cautious of entering into partnerships with the government for fear of creating the impression that the implementation of anti-corruption strategies is a joint responsibility when they see it as the government's sole responsibility, and CSOs' responsibility to monitor implementation and progress made in reducing corruption.[85]

One exceptional example is the cooperation between the National Treasury and Code for South Africa to make public municipal budgets. The National Treasury, through its City Support Programme, is seeking to open up municipal financial data and make it widely available in order to strengthen civic oversight and public accountability.[86]

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81   See www.cabri-sbo.org/en/our-work/transparency-and-accountability/budget-information.
82   Open Government Partnership (2015).
83   See https://pmg.org.za/bill/607.
84   Speaking at the Africa 'Open Data' conference (September 2015, Dar es Salaam) and Africa Open Government Partnership regional meeting (May 2016, Cape Town).
85   Camerer (2008).
86   See https://youtu.be/HYfLQg4-kVs.
87   Anti-Corruption Working Group of the Open Government Partnership: www.opengovpartnership.org/node/9232.
88   Transparency International, 'The Anti-Corruption Summit: Now the Hard Work Begins', 12 May 2016, www.transparency.org/news/feature/anti_corruption_summit_now_the_hard_work_begins.

Networks

There is no evidence of the South African government meeting the requirement to share open data anti-corruption technical expertise and experience with other governments and international organisations.

The Open Government Partnership has established an Anti-Corruption Working Group to 'encourage more focus, exchange of ideas and, most importantly, action, on anti-corruption reform in OGP countries, drawing on the enormous experience of government and civil society actors within the partnership'.[87] While membership is open to all OGP member countries, there have been no indications that the South African government has been participating actively in the Working Group.

South Africa joined 40 other countries in signing the Global Declaration Against Corruption at the Anti-Corruption Summit in London in May 2016, a convening that was the first of its kind in bringing together world leaders to discuss corruption in a transparent and inclusive manner.[88] The declaration includes a commitment to encourage and support international organisations to increase their focus on fighting corruption and to coordinate their work more effectively.[89] It is too soon to tell whether the summit and its declaration will serve as a platform for the sharing of anti-corruption technical expertise and experience.

Tools

There is no evidence that the government is creating or supporting programmes and initiatives that foster the development or co-creation of visualisations, applications, application programming interfaces (APIs), data mashups or other tools based on open data that could contribute to the fight against corruption.

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89   Prime Minister's Office, 'Global Declaration Against Corruption', 12 May 2016, www.gov.uk/government/publications/global-declaration-against-corruption/global-declaration-against-corruption.
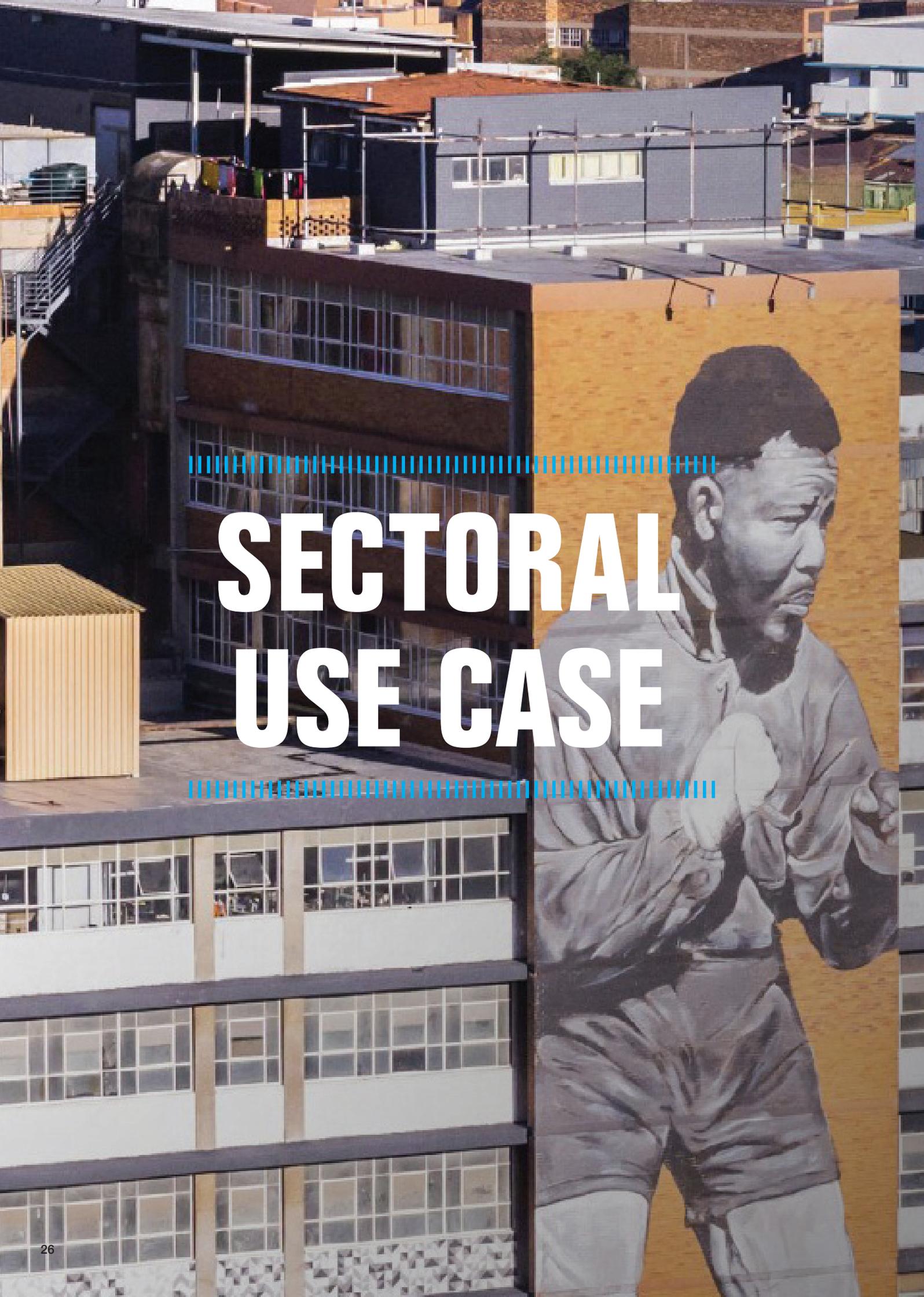
SECTORAL USE CASE

CASE STUDY: SOUTH AFRICA

Municipal Money

HISTORICALLY, much of the reported corruption has taken place at the subnational level in government.[90] Anti-corruption organisation Corruption Watch confirms that 'abuse of resources at municipal level is a problem that is frequently reported'.[91]

In the 2016 budget speech, the minister of finance made the following commitment: 'National Treasury will launch a data portal to provide all stakeholders with comparable, verified information on municipal financial and non-financial performance.'[92] The Municipal Money[93] open data portal was launched on the occasion of the mid-term expenditure review, on 26 October 2016, signalling the Treasury's commitment to manage the nation's budgetary income and expenditure in a transparent manner.

Municipal Money is a web-based tool to inform citizens on their local authority's financial performance. The website is designed to present key municipal financial information to a general audience who may not necessarily have any financial background or knowledge. This is done by using a variety of data, visual elements and tools. Municipal Money relies on the raw data supplied by the National Treasury – data that, in turn, has been submitted to the Treasury by each of the municipalities in the country. To share this data with the public, the National Treasury has enlisted the help of an external partner, Code for South Africa,[94] a non-governmental organisation that promotes informed public decision-making using technology.

It is interesting to note that the National Treasury has been publishing municipal finance data on its municipal finances website,[95] and the data has been made available mainly in Excel spreadsheets.[96] Many government departments would have been content that such disclosure was sufficient, but the Treasury deemed it necessary to enhance the transparency of municipal finance data by making it more usable. It did this by creating an API, making the data interoperable, adding data visualisation, providing extensive supporting documentation, providing feedback and data request channels and making a clear statement that commercial reuse of the data is permissible.[97] According to the website, 'The aim is to make this data widely available in order to increase transparency, strengthen civic oversight and promote accountability.' This statement is reinforced by earlier commitments made by a deputy director-general in the Treasury.[98]

Municipal Money is evidence of one government department's commitment to transparency, of how open data can be used as a tool for greater transparency and of a successful partnership between government and a civic tech organisation that shares the department's commitment.

90   Ibid.
91   Corruption Watch (14 March 2014).
92   Pravin Gordhan, '2016 Budget Speech: 24 February 2016' (Pretoria: National Treasury, 2016), www.treasury.gov.za/documents/national%20budget/2016/speech/speech.pdf.
93   See https://municipalmoney.gov.za.
94   See www.code4sa.org.
95   See http://mfma.treasury.gov.za/Pages/Default.aspx.
96   See http://mfma.treasury.gov.za/Return_Forms/Pages/default.aspx.
97   See https://municipalmoney.gov.za/faq#commercial-rights.
98   National Treasury, 'SA National Treasury on Why They Are Opening Up Their Data', 14 April 2016, video clip: https://youtu.be/HYfLQg4-kVs.

CONCLUSIONS AND RECOMMENDATIONS

From an analysis of best practice and the available literature, several conditions must be met to ensure that anti-corruption reforms are effective, sustainable and not easily subverted. These include empowered stakeholders; comprehensive legal and institutional safeguards to prevent corruption; and the political leadership and will to tackle corruption.[99] Meaningful data to inform policy and strategy is an equally important condition.[100]

The findings from this report speak to these required conditions as follows.

1. In terms of anti-corruption, South Africa is commitment-rich but implementation-poor. Through its international memberships, South Africa expresses solidarity with global partners in fighting corruption. And the country has a strong legal framework and several oversight agencies to combat corruption. From a policy perspective, the ICT White Paper for the first time includes a policy statement on open data. On the ground, however, implementation is poor. There is not a single fully open anti-corruption-related dataset.

2. The use of open data to make government transparent in efforts to combat corruption is not even across government departments. This is evident in the analysis of the ten key anti-corruption datasets. This assessment has shown that the National Treasury publishes three of the ten datasets regarded as key in the fight against corruption. Of the three, two score higher than any of the anti-corruption datasets published by other government agencies.

3. Of those anti-corruption datasets that are available, not one meets the requirement of being published under an open licence, using open standards or providing metadata. This hampers both the usability and usefulness of the data. The government is aware of these shortcomings, as some of the recommended interventions in the ICT White Paper[101]

4. Findings show that too few key anti-corruption datasets are available as open data. The National Treasury is setting the pace; others need to follow. This is easier said than done. It requires leadership from the top and across the whole of government.

Given the above, it can be concluded that South Africa performs poorly at the national level in translating the commitments contained within each of the six G20 Principles into national policy and practice.

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99   Camerer (2008); Rispel et al. (2015); Department for International Development (DFID), *Why Corruption Matters: Understanding Causes, Effects and How to Address Them*, Evidence Paper on Corruption (London: DFID, 2015), www.gov.uk/government/uploads/system/uploads/attachment_data/file/406346/corruption-evidence-paper-why-corruption-matters.pdf.
100   Ibid.
101   Department of Telecommunications and Postal Services (2016), p. 122.

KEY RECOMMENDATIONS

A combination of strategies integrated into a package of institutional reforms[102] and accompanied by strong leadership is most likely to be the most effective approach for combating corruption.[103] Transparency and access to information in the form of relevant open data are likely to be key contributing conditions.[104] On this basis, the following recommendations are made.

1 Publish the National Anti-Corruption Strategy so as to make clear the government's strategy to reduce corruption.

At the same time, raise awareness of the value of open data among civil society organisations working on corruption in South Africa The twinning of formal, public commitments by government with civil society organisations leveraging open data for greater accountability may highlight open data's value as a tool to combat corruption.

2 Publish an Open Data Policy as per the new ICT White Paper.

There is an opportunity for the Open Data Policy and the National Anti-Corruption Strategy to formulate a coordinated approach in which open data forms an integral part of the country's government-led anti-corruption activities. This also will require implementing the recommendations of the ICT White Paper related to open data.[105]

3 High-status authoritative departments need to take the lead.

Our findings show that the National Treasury is already doing so. Moreover, StatsSA is in a unique position to do so too. While the datasets under its ambit are not specifically of the kind that may counter corruption, StatsSA, as the curator of official national data, has an invaluable role to play in terms of data literacy and shifting the institutionalised norms of authorities that favour secrecy and control.

102   DFID (2016).
103   Camerer (2008).
104   DFID (2016).
105   Ibid.

4 **Protect those independent public institutions that have a mandate to combat corruption.** Of critical importance is protecting the independence of the judiciary, so as to allow the existing legal framework supporting the fight against corruption to be used effectively by civil society and the private sector. Efforts should also be made to bring to the fore those institutions that have an important role to play but have not been visible, such as the Parliamentary Budget Oversight (PBO) Committee.

All these recommendations rely on leadership committed to a more transparent government and to creating an effective, national anti-corruption and integrity system. South Africa has some way to go in setting up such a system. As this report has shown, along with the challenge of leadership, oversight is at present limited by an uneven and generally low level of compliance with the country's G20 anti-corruption open data commitments.