

Transparency and public information policy in Norway – a model to follow for Central-Eastern European states

Norway – a northern country with a huge territory and proportionately small population, with impressive resources, is a graceful example of the use of new technologies in the process of building an open and transparent information society. In Scandinavia, doctrine of open government was born, and the very first legislative regulations of access to public information was implemented. It's Norway, as one of three countries, alongside with the United Kingdom and the United States, where the first time in the history technological web – the Internet – linked international community. Norway was taken as a example to diagnose the transition of modern societies from the model of representative democracy to the model of information democracy, as well as a shift from the public attitude of access request – requiring the involvement of citizen, to an attitude of free publication. Finally, in this country one can observe one of the most advanced e-government and e-voting systems. Hence, countries in the Central and Eastern Europe should closely monitor solutions and learn from them.

Keywords: transparency, public information policies, responsibility, e-government, technology, human rights, participation, civic control.

Przejrzystość polityki informacji publicznej w Norwegii jako wzór dla państw Europy Środkowo-Wschodniej

Norwegia – jako północny kraj z ogromnym terytorium i proporcjonalnie niewielką populacją, a przy tym z imponującymi zasobami, jest wdzięcznym przykładem wykorzystania nowych technologii w procesie budowy otwartego i transparentnego społeczeństwa informacyjnego. To w Skandynawii narodziła się doktryna otwartego rządu, wdrożono pierwsze rozwiązania legislacyjne w zakresie dostępu do informacji publicznej. To Norwegia, jako jedno z trzech państw, obok Wielkiej Brytanii oraz Stanów Zjednoczonych, została po raz pierwszy w historii połączoną międzynarodową siecią – Internetem. To m.in. na przykładzie Norwegii zdiagnozowano przejście nowoczesnych społeczeństw od modelu representative democracy

do systemu information democracy, jak również odejście sektora publicznego z postawy access request – wymagającej zaangażowania obywatela i zastąpienie jej postawą free publication. To wreszcie w tym kraju można obserwować jedne z najbardziej zaawansowanych i rozbudowanych systemów e-administracji czy e-votingu. Stąd państwa regionu Środkowo-Wschodniej Europy winny bacznie obserwować tamtejsze rozwiązania i czerpać z nich pomysły dla siebie.

Słowa kluczowe: *przejrzystość, polityka informacyjna, odpowiedzialność, e-rząd, technologie, prawa obywatelskie, partycypacja, cywilna kontrola.*

Between entities occurring in public sphere there are relations formed already at the subconscious level. It is all about specific mode of informational interaction between these entities. The nature and shape of those relationships can be very different. The “set theory” explains this well. There are known symmetrical relations (equivalence), asymmetric (supremacy), and crossed (some elements of the relationship are superior and others inferior and vice versa). Communication determinants towards citizen can either derive from initiative of the citizen, or from the actions of the government agencies or be shared (double-sided). At given time there are data that remains available only for the citizens, or stays exclusively at the disposal of the authorities, or remains in the resources of state authorities and citizens at the same time.

Relations citizen – state authorities are the essence of a democratic regime. The specificity of these relationships is variability. Democracy, *ex definitione*, remains space that citizens fills in by everyday relationships. This is how the social order circle works. Each of the participants’ brings its share to this order.

With the civilizational development, the emergence of new communication tools – frequency and nature of relations had been transformed. The context of social communication (people between one another and with the institutions) functioning in society determines the shape of themselves and institutions (including political) created by them. However, over the decades there has been a total redesign of informational relations¹.

Dag Wiese Schartum, a professor at the University of Oslo, dean of the Section for Information Technology and Administrative Systems, when describing the reasons, forms following diagnosis. „An antagonistic relationship between government and citizens fits well with the mode of the 1950s and 1960s, when this legislation was prepared, and when legislation, to a large extent, came into existence to protect individuals from an ever stronger government. Forty years on, other aspects of government receive much more attention. Today, government

¹ Tomasz Goban-Klas draws attention to the need to emphasize the semantic difference between the terms: communicating, and communication. The researcher stresses that initially in his work he used “communicating processes” to determine phenomenon. Now, however, it is more inclined to use the term – communication – which reflects a better sense of the process. See Goban-Klas, T. (1987). *Komunikowanie masowe. Zarys problematyki socjologicznej*. Cracow; T. Goban-Klas, T. (1999). *Spoleczeństwo informacyjne. Szanse, zagrożenia, wyzwania*. Cracow; Goban-Klas, T. (2011). *Wartki nurt mediów. Ku nowym formom społecznego życia informacji*. Universitas Cracow.

is regarded more as being at the service of its citizens. Citizens are not merely the subject of power, but increasingly playing role of customer and consumer of government services”². The change affects not only the technological aspect, but foremost social one. Never in history so much information flows in the direction of the citizen. The state power sphere has passed a long way from antagonistic attitude (closing) to open (building relationships), involving citizens in public information processes.

The citizens began to articulate their will not only during the time of general elections (which are largely an abstract act), but above all every day, through the new informational paths. Socio-political system passed way up from representative democracy to information democracy.

The transformation of the public sphere was the result of informational changes. Herbert Burkert attempted to define public sector information – the very key category in this context. „Public sector information is information that is generated by governments and administrations on whatever level (communal, regional, federal) or by institutions under government control regardless of their legal status”³.

Access to information (as defined above) unleashed new patterns of governance. Burkert merit is the observation that the creation of public sector information has shifted whole citizen – state authorities relationships. First of all – it meant “the grand” opening of public sector sphere, secondly – a new approach to information management, thirdly – the involvement of civil sector to the processes of decision-making. Burkert describes this transition (shift) as “awakening interest of the private sector”. „Under the perspective the public sector both in US and even more so in Europe seemed to have developed a sort of double-bind relationship to public sector information: in the moment of parting, the public sector realized how dependent it had become on information resources for governing in the up-coming information society (...)”⁴.

A similar nature of the shift had been also noticed by the others. The very accurate analysis of changes in the democratic systems was introduced by two German scientists: Hans-Dieter Klingemann and Dieter Fuchs, who drew attention to the crisis of the institutions of representation. They confronted the concept of representative democracy, with the theories of social relations, emphasizing the importance of distance between the government and the citizen. According to them, between the state power (selected on the principle of representation) and the civic sphere, there is a free space. The most important for maintaining healthy democratic

² Schartum, DW. (2004). „Information access legislation for the future? Possibilities according to a Norwegian experience” in G. Aichholzer, H. Burkert (ed.), *Public sector information in the Digital Age. Between Markets, Public Management and Citizens' Rights*, Cheltenham, Northhampton, Massachusetts, pp. 76.

³ Burkert, H. (2004). “The mechanics of public sector information” in G. Aichholzer, H. Burkert (ed.), *Public sector information in the Digital Age. Between Markets, Public Management and Citizens' Rights*, Cheltenham, Northhampton Massachusetts 2004, pp. 3.

⁴ *Ibidem*, pp. 9.

processes is to keep the distance that does not kill the public discourse (as the quintessence of democracy). „Representative government inevitably establishes distance between the rulers and the ruled, implying the possibility that this distance may attain such proportions that it would be difficult to continue to speak of democracy. Political processes in democracies therefore can, and must, always confront the question of whether they satisfy democratic criteria. How responsive are these political processes to the demands of citizens, and to what extent can citizens control this responsiveness?“⁵.

The crisis of political representation model, as emphasized by the authors, can be easily seen. Klingemann and Fuchs links it with the concept of congruence. It's about the level of adequacy, reflecting the expectations compliance with the activities of civil authority. The more effective state authorities responds to the needs of its citizens (economic, moral, ideological, infrastructural), the stronger support it receives in return. „Congruence at the level of political processes exists where the specialized actors (parties, governments, politicians), who are the vehicles and organizers of these processes, can give citizens what they want. If they can do so, they satisfy the democratic criterion of responsiveness“⁶.

On this concept, the whole mechanism of democratic change of state power, settles. It is impossible to eliminate social dissatisfaction and discontent. Due to limited resources, public authorities that are able to satisfy all, does not exist. If, however, the level of dissatisfaction exceeds the ceiling majority support, the change occurs. The crisis, as Klingemann and Fuchs underline, appear only when public discontent is not reduced by the change of state authorities. It can be described as a crisis of formal political structures that are dysfunctional to society's expectations.

Democracy does not tolerate the state of imbalance, and automatically corrects the inefficient units. It is the most important reason why the government had to change and get closer to citizens, involving them in the decision-making processes. „The relationship between citizens and the state is bilateral, so it can be disturbed from either direction. But we shall assume to begin with that the relationship has been fundamentally modified and has given rise to disturbances in congruence because citizens have changed“⁷. In this sense, on the shift stage, one can talk about the existence of civilization modernization that includes societal and individual modernization. There has been an increase of institutionalized, and non-institutionalized political participation.

Societies felt and recognized the strength of their own abilities. The process of spreading the horizontal responsibility between collective co-actors in public sphere has begun. At the same time when support for democratic individualistic values increased, the attachment

⁵ Fuchs, D., Klingemann, H.D. (1995). Citizens and the state: A changing relationship? in H.D. Klingemann, D. Fuchs (ed.) Citizens and the state, New York 1995, pp. 2.

⁶ Ibidem, pp. 2.

⁷ Ibidem, s. 10.

to political parties and institutional political participation declined. Therefore the growth of political apathy raised. Western societies entered the area of influence of postmodern cultural trends that could be compared with hedonistic self-actualization – a genre in which person could have taken action only if, at the same time, saw the individual benefits.

State powers had to employ all available means to stimulate broader growth. Strengthening the countries could not be done without strengthening its citizens. It became clear that wasting the potential of its citizens, leads to political suicide. Modern states are not strong because of the strength of public authorities, but by the force of its citizens. Paradoxically, authorities if wants to hold a significant position, must constantly strengthen its own citizens (supporting entrepreneurs, diminishing bureaucracy of administration, introducing proactive tax system, providing security, developing broadly understood infrastructure, etc.). On the rule of side-effect, the role of the citizen rose to the rank of the controller and supervisor. Dag Wiesie Schartum explains, that „in this perspective, access to such information is, first and foremost, a prerequisite because it gives individuals and collective entities (companies, associations etc.) the ability to control the exercise of political power”⁸. Rational and well-informed citizen requires from the government actions that will significantly contribute to the improvement of the environment in which he operates. State agencies are forced to organize the public sphere more efficiently.

Abovementioned shift, from the point where state power makes the public information available only on request of citizen, to the model of active and constant transmission of information, was in fact the transition from the access request to the publication regime. This process had to undergone on two characteristic levels: (1) raise awareness among citizens (citizens enlightening) – proactive attitude, where the government was forced to take information activities resulting in involving citizens; (2) control – a reaction where citizens become fully integrated entities, and equipped with the tools to make checks and manifest reaction (e.g. discontent), critically evaluating state agencies.

It should be noticed that civil supervision implemented through information tools, could actually contribute to the improvement, only if reflected in stimulating the state institutions to efficiently carry out public tasks. Schartum describes the abovementioned relationship by using the concept of information flares, where the status of both sides should be properly balanced – so that excessive control does not paralyze government agencies, and that its absence does not lead to impunity. When this golden mean can be achieved? Schartum concludes that when the relations between the two parties will be characterized by the exact balance of information potential. Paradoxically, in order to maintain the necessary balance, the public authorities must continuously and deliberately weaken themselves. „The traditional approach outlined is, in many ways, appealing, since it is citizen as controller who takes action

⁸ Schartum, D.W. op.cit., pp. 70.

and decides the issues at stake. On the one hand, the approach is rather time-consuming for the individual, and thus creates thresholds, which may be hard to cross-over. By and large, only the very well-informed and very angry citizen is likely to use their legal right to access relevant information”⁹.

In order to maintain this balance the necessary and comprehensive actions, both at the level of “publication” and the “access request” is needed. For example in Norway there are three separate acts that deal with this task: the Freedom of Information Act, the Personal Data Act and the Administrative Procedure Act. Each of these laws refer to different kinds of information, introduces catalog of eligible entities¹⁰. For stimulating the growth factors it is necessary, therefore, to present attitude of “publication”. Enormous possibilities in this respect arose from the massive proliferation of the Internet. Relations citizen – state authorities naturally channeled directly towards the citizens – end-users. Finally the concept: “publish-as-much-as-you-can” prevailed and won.

It is doubtless, that citizens are the heart of democracy. If the real grounds and opportunities for participation are not provided for the people there is no space for democracy. In this political system everything has to be consulted, and than decided with and via citizens. Fulfilling democratic standards means respecting human rights. As we are now living in society of information, one the most important privilege of citizens is the right to know (the right to obtain information). This could meet democratic criteria only by social participation. Traditional approach force us to encounter in this field at least such human rights, as free and fair elections, representative assemblies, accountable executives. But modern civilisational achievements gives the real chance to change the idea of government. We are facing the real opportunity to provide citizens with the touchable forms of participation. New type of democracy will mean for the regular citizens not only the act of voting. It will means regular and touchable engagement in political processes.

New developments have expanded real routes for citizens to participate more distinctly in public policy-making. The idea of representative democracy now enters into the new dimension. Citizens are increasingly demanding more transparency and accountability from their authorities. Citizens enjoy higher levels of income, education and opportunities offered by information age, which previous generations could only dream about. This has a significant influence to political aspect of social life. Due to the technological opportunities which modern societies use widely there is no place to hide for government. Educated, well-informed citizens

⁹ *Ibidem*, s. 75.

¹⁰ Dag Wiese Schartum made a comparison of those three acts in terms of conditions of information. And so, according to the author, the Freedom of Information Act equips with the privilege information everybody and applies to metadata (information about information, or information created by other information), and the information assigned to a specific case (case-relevant information). In turn, the Personal Data Act refers only to the dedicated people (registered persons), and refers to metadata and the information assigned to a particular matter. Finally, the Administrative Procedure Act provides access to information about specific case and gives the power to information only for parties. See more Schartum, D.W. *op.cit.*, pp. 72.

now expects from the public institutions to take their positions into consideration, when decision-making. Modern society equipped with ICT weapons keep authorities on eye constantly.

One has to admit that current governments in democratic states are not only under general constitutional pressure but mostly under real-time civil pressure exercised by citizens. It is nothing surprising that non-governmental associations sometimes have in their disposal more detailed knowledge and professional information than public units responsible for the same sphere of interest. What is more, when government runs a policy which is not popular and does not find wide acceptance in society, it has to be ready for consequences. Modern societies do not hesitate. They use every kind of sources and measures. Quick, precise nets of communication enable them to find supporters. There is a possibility to establish a massive movement against unpopular public decision. There is no government in the democratic part of the world which could present regardless attitude to this kind of power.

Without no doubt it is one of the major reasons why modern authorities not only want to inform citizens about their public activity but also present openness for collaboration during decision-making processes. It seems to be clear that democratic governments do not want to manifest against the social power. What is more they want to make advantage of it and exploit this human energy for the purposes converging with own political goals. Cooperation in this field means benefits for both sides. Engaging citizens in policy-making allows governments to respond to social expectations, but in the same time authorities could expect better understanding and political support. Finally, but the most essential consequence of common acting is efficiency in designing better (more acceptable and expected) policies and improving their implementation by better quality of political decisions.

Authors of OECD report from 2002 – *Citizens as Partners: Information, Consultation Public Participation in Policy-making* – are trying to find the most important features that contribute to strengthening state relations with its inhabitants. They stressed that in their relations with citizens, governments must ensure that: (1) information is complete, objective, reliable, relevant, easy to find and understand; (2) consultation has clear goals and rules defining the limits of the exercise and government's obligation to account for its use of citizens' input; (3) participation provide sufficient time and flexibility to allow for the emergence of new ideas and proposals by citizens, as well as mechanism of their integration into government policy-making processes¹¹.

The main term associated closely to this phenomenon is and still remains information. Do we exactly are aware of what it is? Marian Mazur's, co-founder of Polish cybernetics established qualitative definition of information as a supplement for Claude's E. Shannon's definition of information from his initial theory of information. Mazur has managed to introduce distinction between describing information and identifying information and proved

¹¹ Citizens as Partners – information, consultation and public participation in policy-making. (2001) Organisation for Economic Co-operation and Development.

that only identifying information is the same information in the Shannon theory and formula

$$H(x) = - \sum_{i=1}^m p(i) \log_2 p(i).$$

Mazur has always emphasized that term – quantity of information – brings misunderstandings in doctrine. It suggest that if we know what the quantity of information is, we can discover what the information itself is – what is not true. Mazur was also very disappointed with whole types of definition that he faced. He used to claim with irritation that in international literature one could discover 3 types of publications concerning information. In the first type of publications, the quantity of information is in the straight manner called information which is unacceptable. In other types of publication authors tend to use term information in such phrases, like: collecting information, dissemination of information, disclosing information – without any attempt of clarification. Finally, there are publication where authors are trying to define information using other unclear terms like: data, wisdom, communication – which find place on the other levels.

Personally, I would postulate to look at the information only on the grounds of relation with analytical attributes of the information receiver. Is not a true that the process of information is strictly attached to analytical processes and it concerns only those types of brain equipped beings which appear in the nature. Do the stone knows what information is. The key word is intelligence. Information doesn't have to be send intentionally. The unconscious sender could be snow that falls down, shadow that was cast, emitted color, the sound of engine or stones falling from the mountain. *Sine qua non* condition, in this circumstances should be the relation with entity equipped with an analytical and interpretational tools. If something is a subject of analytical process, it is already an information. Every kind of receiver would interpret in its way. The same information could be received and understood in different manner by teenager and professor, by farmer and nurse finally by man and woman. The level of education, life experiences, feelings, wisdom, particular approach – everything have an impact on analytical processes. An issue to decide is whether information appears only when receiver with analytical measures appears, or we could treat information as a self-phenomenon. The sound of stones falling down could be a warning for the trapper about soon coming avalanche. In the first approach this would be an information because there is a traper, who can undertake analytical process. In the second approach even though there won't be anyone and anything with this kind of skills (absolutely nothing) it still will be an information – because some “providence” knows that this information happened.

Modern approach to information is very closely attached to technology. In other words – there is no technology without information and *vice versa*.

Europe still maintain a very strong position in world advanced technology sphere. Especially when it concerns information and communication technology. We all have to take into consideration and remember that World Wide Web, mobile telephone standards GSM, MPEG standard for digital resources and ADSL technology were invented in Europe. Day

by day, number of Internet users increases. It jumped from the 43% level in 2005 to 56% in 2008. The majority of Europeans uses broadband Internet everyday. Europe became a world leader in broadband Internet domain. With 150 million abonents Europe is the biggest market in the world. Almost 90 % of companies in Europe has the access to broadband Internet. More than 80 % of households has access with the average transmission speed with more than 2 Mb/s. Those promising statistics show the potential of European society. If we consider advanced technology, computer and information capability of people living in Europe, it is worth to stress that very special role in developing those domains played Scandinavian nations.

It is just impossible to analyze relation between massive information flow is modern societies and its impact for condition of the states without taking into consideration Scandinavian countries, especially Norway. This northern country with huge territory and proportionally small population is an ideal example of modern and developed society. Every newcomer will quickly notice that Norwegian society is very well-organized and computerized. Almost every simple activity (like administration duties, paying of invoices) could be undertaken or solved via electronic path. Norway took a part in the very first part of Internet development in the world. As we all know the first electronic web connection – ARPANET was established in USA for the military purposes. Than some educational institutions wanted to deploy the opportunities which gives this fast and simple communication for their needs. But the first international web connected free countries: USA, UK and Norway. This fact had a significant consequences for the Norwegian society. Norway from the very beginning achieved the position of the leader of the new technology deployment, especially in the field of communication. One could find the backgrounds of this phenomenon not only in maturity of Norwegian society but also in the geographical and sociological considerations. Norway as huge country with huge distances between areas of living and small population density. Those kind of society needed an efficient measure of communication.

Internet penetration in Norwegian society estimates for about 90.9% in 2009, what gives this country second position just after Iceland – 93.2 %. Climate and weather features might have also an impact. We all have to be aware about disadvantages connected with the Internet. Most commonly, usage of the Internet regularly (more than five hours a week) reduces the time spend with friends and family and the social direct contact abilities¹².

The quality of information is one the most important issues in Norway, where freedom of expression and freedom of information are taken for granted like in others Western liberal democracies. Freedom of information legislation (also known in the U.S. as “sunshine laws”) are rules that guarantee access to data held by the state. It establish a “right-to-know” legal process by which requests may be made for government-held information, to be received freely or at minimal cost, barring standard exceptions. Also variously referred to as open records or

¹² <http://news.stanford.edu/pr/00/000216internet.html> [Accessed 4 of May 2015]

(especially in the U.S.) sunshine laws, governments are also typically bound by a duty to publish and promote openness. In many countries there are constitutional guarantees for the right of access to information, but usually these are unused if specific legislation to support them does not exist.

Swedish Freedom of the Press Act of 1766 is the oldest one. It has granted public access to government documents. It thus became an integral part of the Swedish Constitution, and the first ever piece of freedom of information legislation in the modern sense. In Sweden this is known as the Principle of Public Access (*Offentlighetsprincipen*). But this kind of information connection between citizens and state government wasn't obvious in other states. In 1998 Freedom of Information Act have been introduced only in twelve countries (Sweden, Finland, Norway, the USA, Denmark, Ireland, France, Greece, the Netherlands, Australia, Canada and New Zealand). Council of Europe, has decide to publish recommendations for member States in 1979, more than 200 years after the first Swedish regulation.

- (i) Everyone within the jurisdiction of a member state shall have a right to obtain, on request, information held by the public authorities other than legislative bodies and judicial authorities.
- (ii) Effective and appropriate means shall be provided to ensure access to information.
- (iii) Access to information shall not be refused on the ground that the requesting person has not a specific interest in the matter.
- (iv) Access to information shall be provided on the basis of equality.
- (v) The foregoing principles shall apply subject only to such limitations and restrictions as are necessary in a democratic society (such as national security, public safety, the prevention of crime, or the preventing of the disclosure of information received in confidence) and for the protection of privacy and other legitimate interests, having, however, due regard to the specific interest of an individual in information held by the public authorities which concerns him personally.
- (vi) Any request for information shall be decided upon within a reasonable time.
- (vii) A public authority refusing access to information shall give the reason on which the refusal is based, according to law and practice.
- (viii) Any refusal of information shall be subject to review on request¹³.

Now over 85 countries around the world have implemented some forms of such legislation. From the historical point of view we still can find slight and more significant differences. In the literature of domain one could find two historical broad approaches to disclosure of government information. The first is that government decides both what it shall release to the public and when. This is official secrecy tradition in the UK, where all government information is secret unless it is to release. Second approach concerns all the *aquis* of what we called

¹³ Recommendation R (81) 19 of the Committee of Ministers of Council of Europe.

– Freedom of Information. All governmental information is available to the public except those cases where the authorities must explain and justify the restriction of access. This model exist in USA and in the most of the European countries including Nordic that should be treated as a originators and founders of this legislation.

European Union has also decided to implement Freedom of Information regulations. In 1993 European Commission issued a Decision of the Council enforcing FoI for Commission documents. Than in 2001, regulation 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, granted a right of access to documents of three institutions to any Union citizen and to any natural or legal person residing, or having its registered office, in a Member State. Term – document in this Act is defined broadly and it is assumed that all documents, even if classified, may be subject to right of access unless it falls under one of the exceptions. If access is refused, the applicant is allowed a confirmatory request. A complaint against a refusal can be made with the European Ombudsman and/or an appeal can be brought before the Court of First Instance. In addition, the Directive 2003/98/EC of the European Parliament and the Council of 17 November 2003 on the re-use of public sector information sets out the rules and practices for accessing public sector information resources for further exploitation. Since 2008, the European Commission operates the Register of Interest representatives, a voluntary register of lobbyists in the European Union.

Paradoxally, in 1997 the UK Government committed itself in a White Paper to produce a draft of Freedom of Information Bill in summer 1998. This, it was said, would give everyone a legal right to see information held by national, regional and local government and by some other organizations working on behalf of government. The security and intelligence services and the special forces would be exempt. The recommendations and opinions included in this White Paper concludes that everyone would have the right to see records of information held, like their own tax, social security and medical records. Anyone would also have the right to ask the organizations covered by Act to give other records or information about their day-to-day business. For example, more information about food safety, medical safety, pollution and other issues of public interest would be available¹⁴. The fact that United Kingdom, motherhood of opposite do Scandinavian approach to public information disclosure has decided to implement Freedom of Information regulations in year 2000 is a significant *signum temporis* of information age.

We could observe that Freedom of Information as a general rule of public activity switched from the reactive model into active one. Norway presents general approach of disclosing public information. But still even though the general rule is quite understandable and does not

¹⁴ Blackstock, M.A., Oppenheim, Ch. (1999). Legal issues for information professionals. Freedom of information. Loughborough, pp. 249-250

bring any doubt with common meaning, there can appear some disagreements with drawing the boundaries of this freedom.

Freedom of information applied to the right to obtain and receive information from accessible sources. “In Nordic countries, steps have been taken to counteract the tendency towards bias in public information policy. This has been done by means of the principle of public access, which affirms a duty to provide information on request. One can simply request to examine public documents. It is of course lawful to exempt certain documents from public disclosure, and there have been disagreements concerning the criteria for such exemptions. It is characteristic that, when the parliamentary ombudsman investigated the practice of the Norwegian Ministry of Justice in 1997, he founded grounds to criticize 32 out of 35 investigated decisions that are taken and, secondly, as a participant in the democratic process, one must have access to specific knowledge of the circumstances”¹⁵.

The Principle of Public Access means that the general public are to be guaranteed an unimpeded view of activities pursued by the government and local authorities; all documents handled by the authorities are public unless legislation explicitly and specifically states otherwise, and even then each request for potentially sensitive information must be handled individually, and a refusal is subject to appeal. Further, the constitution grants the Right to Inform, meaning that even some (most) types of secret information may be passed on to the press or other media without risk of criminal charges. Instead, investigation of the informer’s identity is a criminal offense.

Norwegian Article 100 of the Constitution gives access to public documents. The basic principle of the law is as following. Everyone has the right to access to State and municipal documents and to be present at sittings of courts and elected assemblies. Article 100 of the 1814 Constitution was amended in October 2004 to include a specific right of access to access documents and attend court proceedings and meetings. The changes were recommended by the Governmental Commission on Freedom of Expression. The new Article 100(5) now states: “everyone has a right of access to the documents of the State and of the municipal administration and a right to be present at sittings of the courts and of administrative bodies elected by the people. Exceptions may be laid down in law in order to protect personal data security and other weighty reasons”. Old article hasn’t been changed since the adoption in the Constitution in 1814. It remained unchanged for so long period of time because it just fulfilled expectation. New version was preceded after eight years of public discussion. Francis Sejersted from the Institute for Social Research in Oslo, claim that “during the eight years in which the new article was being considered, there was a quite extensive public debate on the grounds for and restrictions on freedom of expression”¹⁶.

¹⁵ Sejersted, F. (2005) Freedom of information in a Modern Society. IFLA Journal, pp. 302.

¹⁶ *Ibidem*, pp.302-303.

Freedom of Information Act anticipates restriction – exemptions in respect of internal documents, in respect of information subject to a statutory duty of secrecy, on the basis of the document's contents and on the basis of lapse of time.

The restriction occurred to be problematic field. But it's nothing surprising and it depends on social acceptance for receiving one public service instead of other. Particularly it may concerns public security. In different countries the level of tolerance for this kind of social contract differs. In difficult situations, such as treats connected with terrorism, information attacks, counterattack measures taken by state (the only institution which could provide security to the citizens) very often include restrictions with freedom of expression and freedom of information. In Norway, general approach to the restrictions are tend to be similar to other European practices. This is due to outlined rule from article 10 of the European Convention on Human Rights where one can find clearly that restrictions on freedom of expression must be shown to be necessary in a democratic society.

There is a broad exemption for internal documents when the agency has not completed its handling of the case unless the agency has dispatched the document. Documents are also exempt from release if they are made secret by another law or if they refer to national security, national defense or international relations, financial management, the minutes of the Council of State, appointments or protections in the civil service, regulatory or control measures, test answers, annual fiscal budgets or long-term budgets, and photographs of persons entered in a personal data register.

This is how restrictions look like in reality. Maybe this could be one of the reason why the Norwegian government released a white paper in April 1998 proposing changes in Freedom of Information Act – law with about 30 years of service. These include changing the subject of the request to information from documents, limiting the internal documents exemption, and making the law consistent with European Union requirements on access to environmental information.

In 2001, the Parliament amended the act to allow applicants to civil service positions and promotions to refuse consent to have their names disclosed. The Ombudsman criticized the government in his 2001, 2002 and 2003 reports on the implementation of the amendment as bodies were refusing in many cases to disclose any names or consider the public interest in high government positions. In 2003, he stated that it would appear that the administration is practicing the provision in a more restrictive manner than appears to be the intention of the lawmaker. If access is denied, individuals can appeal to a higher authority and then to the Storting's Ombudsman for Public Administration or a court. The Ombudsman's decisions are not binding but are generally followed. There have been very few court cases. In October 2004, the government announced that it was planned to introduce a bill to replace the Act with a new law that "provides for greater transparency than the current Freedom of Information Act". The bill was introduced in 2005 and enacted May 2006, superseding the previous law.

Norwegian Freedom of Information Act guarantee in its article 2 that every person (not only Norwegian citizens) may demand of the pertinent administrative agency to be apprised of the publicly disclosable contents of the documents in a specific case. The same applies to case registers and similar registers and the agenda of meetings of publicly elected municipal and county municipal bodies. The administrative agency shall keep a register pursuant to the provisions of the Archives Act and its regulations¹⁷.

It is worth to mention that in Norway one can also find regulation concerning access to information in special domains, like environmental information, classified information, criminal information, military secrets, or archives and personal data.

Official documents in Norway are defined as information which is recorded and can be listened to, displayed or transferred and which is either created by the authority and dispatched or has been received by the authority. All records are indexed at the time of creation or receipt and some ministries make the electronic indexes available on the Internet or through e-mail.

Requests can be made in any form including anonymously and must be responded immediately. Internal guidelines issued by the Ministry of Justice says that requests should be responded to in three days. The Ombudsman in 2000 ruled, that “it should be possible to decide most disclosure requests the same day or at least in the course of one to three working days, provided that no special, practical difficulties were involved. Release may be delayed if the documents then available give a directly misleading impression of the case and that public disclosure could therefore be detrimental to obvious public or private interests”¹⁸.

In theory, the Scandinavian countries are potential open data leaders. There is a long and well-rooted tradition of transparency in government, backed by far-reaching freedom of information legislation. In Norway, the legislation was recently amended to include a paragraph on database information (an adjustment prompted by the EU’s PSI directive). Other legislation, notably on the right to access to environmental information, provide additional tools for open data advocates, journalists and others who want access to public sector data.

Olav Anders Øvrebø, Assistant Professor at the University of Bergen, who recently worked on a report on open government data in Norway, shows that in practice, however open data remains a quite obscure question in the public sphere. The political attention generated by open data debates is nowhere near the levels seen in the US and UK. There are some signs of change, though. Recently, the Ministry of Government Administration has indicated that it will soon launch an Apps for Democracy-like competition. The success of some open data initiatives such as weather data from the Meteorological Institute and (on a smaller scale) of airline traffic data from the state airport company Avinor, has stirred some interest among state agencies. On the “demand” side, Øvrebø states, it’s fair to say that the legal tools I mentioned

¹⁷ Freedom of Information Act, <http://www.ub.uio.no/ujur/ulovdata/lov-20060519-016-eng.pdf> [Accessed 6 of May 2015]

¹⁸ <http://www.freedominfo.org/countries/norway.htm> [Accessed 5 of May 2015].

are not very well known and little used when it comes to forcing access to data sources. In contrast, claiming access to text documents is routine among Norwegian journalists, so also in this area the potential is there. At our university department, we plan to continue our project with a different approach – building applications or services, hopefully in cooperation with Norwegian media. This way, we want to demonstrate how government data can be re-used in ways that stimulate public debate. We also have an ambition to strengthen the development of computational journalism. If we succeed in this, we can give a small contribution to what must be a long term goal for the open data community – moving from raw data to real insight¹⁹.

Nevertheless, Norway still remains leader position among countries with the most developed system of dissemination of public information. Norway is also one of the world leaders in open government doctrine and state information policy. Open government is the political doctrine which holds that the business of government and state administration should be opened at all levels to effective public scrutiny and oversight. In its broadest construction it opposes reason of state and national security considerations, which have tended to legitimize extensive state secrecy. The origins of open government arguments can be dated to the time of the European Enlightenment: to debates about the proper construction of a then nascent civil society.

Revolutionary changes in the conditions of informational relationship between the citizen and the public authorities have led to the formation of a distinct philosophical and political concepts in this regard. The idea of open government consists of a combination of factors, such as: best practices, regulations, attitudes, experiences, and finally the conviction that certain reflexes in the public space, in the various activities in different conditions and situations – commonly taken into account, decide whether state power can be classified as open.

Open government is inclusive attitude, combining society in the name of achieving, no matter how pathetic it sounds, common goals and benefits. Open government attitude can be compared to the two modes of behavior of public servant, who is either surly looking at an applicant from the top and handles it carelessly, without showing even good will, or is courteous, helpful, works at every step, operates transparently, and does not settle the matter “under the table”. These are two radically different attitudes, providing *de facto* the specific position of state power. The following relationship is clearly visible. In the countries which occupy the highest positions in the rankings of the comfort and quality of life (e.g. the Scandinavian countries) open-government model is an absolute standard for years. Another attitude has already emerged virtually outside the Nordic cultural sphere, and is treated as a historical model, in which “own information resources are treated as property, that can serve as additional benefits”²⁰.

¹⁹ <http://blog.okfn.org/2010/02/18/open-government-data-in-norway-mounting-interest-but-no-breakthrough-yet/> [Accessed 7 of May 2015].

²⁰ Schellong, A. Stepanets, E. (2011). Unchartered waters. The State of Open Data in Europe, CSC Business Solutions Technology Outsourcing, Public Sector Study Series, pp. 2, CSC_policy_paper_series_01_2011_unchartered_waters_state_of_open_data_europe_English_2.pdf [Accessed 7 of May 2015].

The idea of open government grows on the foundation of a broader concept – the idea of transparency²¹. It refers more to the imperative of attitude that accompanies every action, than sanctions the need to share information. While the concept of transparency is the product of the era of enlightenment, the doctrine of open government is already its postmodern extension. The postulate of promoting open government concept combines many social environments – integrating pro-democracy, human rights, environmental, left-wing movements, and so-called free software movements.

Linking doctrine of open government only to the legislation of freedom of information is a mistake. The concept of open government is more capacious. It is an attitude, a way of life (in this case the state institutions), and finally value. „Opening up data to the public promises to create public value: ensuring transparency and accountability, encouraging innovation and economic growth, educating and influencing people, or improving efficiency of the government. These values make public sector information (PSI) a strategic resource, potentially important for different public sector agencies, private businesses, academia, citizens and civic organizations”²².

The concept of open government, derives its popularity from the new technological possibilities. Open government is a specific way of organization of the country, that exploits digital communication tools. This way is reflected in many aspects, including:

- control – civic supervision aimed at contributing to the improvement of the quality of public agencies, including reduction of corruption, arrogance and other irregularities;
- social development – improving social skills, providing higher level of education, a sense of shared responsibility, creating positive instincts, promoting civic participation, volunteerism, increasing social capital;
- economic development – raising standards of living, improving conditions for businesses, reducing unemployment, improving competitiveness;
- transparency – ensuring the verifiability of the state institutions, eliminating unpredictability and ambiguity in public behavior, clarity of decision-making and funding;
- participation – ensuring the participation of citizens in the governance process, public consultations, providing access to relevant information and documents, preferring common solutions;
- commitment – the elimination of social exclusion;

²¹ The beginning of realizing the concept of transparency, is admitted to be Swedish Freedom of the Press Act from XVIII century, that reaches also Finland (as a territory then subordinated to Sweden). This prescriptive approach strongly influenced the formation of a specific political context in this part of Europe. In Finland in 1951, the Law on Publicity of Official Documents was after introduced. In the US, the Freedom of Information Act – FOIA was passed in 1966. Similar legislation was adopted in 1970 in Norway and Denmark. In 1978, in France and the Netherlands, in 1982 in Australia, Canada and New Zealand. The rest of the democratic countries made up the backlog in the '90s and later.

²² Schellong, A., Stepanets, E. op.cit., pp. 2.

- cooperation – engaging in coordination, stimulating mutual understanding, eliminating clichés, replacing the hierarchical model into horizontal, flexibility systems (networks), explaining procedures;
- openness – building trust and respect in relationships, sharing resources;
- efficiency – the inclusion of all available resources (accumulation of social forces).

Level of openness is gradable and can be used as a criterion of prevalence of open government²³. It is worth mentioning that more and more tools of open government arrives, including sharing and exchange of information, interactive consulting, document open formats ensuring cataloging, creation of databases in open manner.

It should reflect the prevailing trend of this phenomenon in this regard. It is important to emphasize that the concept of open government is being introduced in public sphere at this very moment. Huge amounts of public information, collected and circulated for years by state institutions, on our eyes are shared for the public. „Over the years, public bodies have created and accumulated vast amounts of information – ranging from scientific, economic and geospatial data to reports – available in a wide variety of structures and formats. With the diffusion of technology in every branch of government, the proliferation data continues at an ever increasing speed”²⁴.

In all so called modern doctrines of state, the transparency demand of public space is one of the foundations of the system. The model of implementation of the open government criteria is closely associated with the different categories of state resources and the concept of open data. Like the others, it is a wide category that refers to the same values as the concepts of open source, open access, open government – remaining in close relationship with such projects, like e-government, as well as the idea of good government. Without modern, technological tools open data concept will remain only as a postulate. „Open data is a philosophy. (...) The concept applies both to data in raw and processed form, including data as varied as genetic sequences, geographic information, electromagnetic emissions, images, public transport schedules, data from medical experiments, voting results, reports and so on. In general, definitions of open data do not offer insight into what data are, but rather on the issue of openness and reuse. Public data are commonly defined as data that are not subject to valid privacy, security or privilege limitations”²⁵. Open data refers directly to the postulate of totally free information,

²³ For example, in the Netherlands Citizenlink card was adopted, as a public commitment. Citizen has the right to choose the channel to realize contact with the authorities. The goal is to reduce administration costs by 25%. The heart of the card is ten principles based on which both central and regional governments have to function. Supervisory authorities have been empowered to submit annual reports on compliance with the rules. Netherlands in the final rankings of the OECD ranks among the top five countries providing the highest standard of e-services, and the card itself won UN Public Service Award. See more Poelmans, M. (2007). *Reinventing public service delivery by implementing the e-Citizen Charter*, Amsterdam; Bayens, G. (2006). *E-government in the Netherlands: An architectural approach*, 2006, <http://www.via-nova-archi-tectura.org> [Accessed 8 of May 2015].

²⁴ Schellong, A., Stepanets, E. op.cit., pp. 2.

²⁵ Ibidem, s. 5.

incorporating the area of freedom of all data, regardless of their nature or rank. In this sense, each piece of public information should be open. These kind of approach could be noticed in American President inauguration Memorandum.

Barack Obama in his Memorandum for the Heads of Executive Departments and Agencies about Transparency and Open Government, claimed that Openness could strengthen democracy and promote efficiency and effectiveness in Government and stressed three aspect of his administration to follow. (1) Government should be transparent. Transparency promotes accountability and provides information for citizens about what their government is doing. Information maintained by the Federal Government is a national asset. My administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use. Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public. Executive departments and agencies should also solicit public feedback to identify information of greatest use to the public. (2) Government should be participatory. Public engagement enhances the government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge. Executive departments and agencies should offer Americans increased opportunities to participate in policymaking and to provide their government with the benefits of their collective expertise and information. Executive departments and agencies should also solicit public input on how we can increase and improve opportunities for public participation in government. (3) Government should be collaborative. Collaboration actively engages Americans in the work of their government. Executive departments and agencies should use innovative tools, methods, and systems to cooperate among themselves, across all levels of government, and with nonprofit organizations, businesses, and individuals in the private sector. Executive departments and agencies should solicit public feedback to assess and improve their level of collaboration and to identify new opportunities for cooperation²⁶.

Open government is widely seen to be a key hallmark of contemporary democratic practice and is often linked to the general public information policy. The latter can be described as an overall view of activities and political decisions made in public sphere closely related with providing information to public opinion. The most important goal of public information policy is to satisfy informational needs of society and to obtain public understanding and acceptance for the efforts and actions which the government is undertaking. States that runs everyday and reliable information policy wins trust and confidence not only from their citizens but also from the international partners. Well-informed society is participating society.

²⁶ Barack Obama Memorandum for the Heads of Executive Departments and Agencies – Transparency and Open Government, https://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf [Accessed 9 of May 2015]

Role of the quality of information and price of information becomes more and more important along with fastest propagation of model of information society (information civilization) basing its values on access to data, knowledge and high quality of education. Degree of civilization and standard of life become directly more dependent not only on informational level of government but first of all on citizens knowledge. Individuals, through the wide access to data, obtains social, political and economic subjectivity. With the assistance of technological instruments, they participate equal in positive aspect (creating, suggesting, effecting the political decisions) as well as in negative aspect (realizing kind of civil control of the authority). Image of modern society is a vision of active people, who realize different interests, being in the same time familiar with different domains of lives what makes them able to take part and act in public area formerly reserved for involved entities.

Public authorities establishes and develops information systems which are to provide citizens, economic entities with necessary information, treated in this circumstances as a public good. Government has to create such information systems, as: state law information system, statistics information system, alert and security information system, administration information system, government activity information system, economic information system. This means, distributing information connected with elections, tax payments, labour market, education, welfare benefits, social insurances, health care system, security, business activity and many others. One could claim that if information systems are insufficient or simply if society suffers from the lack of information, everyone face the problem of information gap and asymmetry in information flow balance.

Public information policy sets out how the government discloses information and consults with its stakeholders (citizens and other actors) – so as to promote better awareness and understanding of its policies, and operations. Those kind of activity truly creates civil society and stimulates citizens for political engagement. Modern communication technologies (ICT), improved efficiency in the worldwide telecommunications market, gives an outstanding tool for both sides: citizens and public authorities to communicate each other.

Using ICT in the public sector, is dedicated to achieve high standards in government efficiency, improving the quality of public services and modernizing authorities. “The Norwegian public sector started using ICT much earlier than the advent of what is today known as e-government. The main driver for ICT use was, and remains, internal efficiency through automation of administrative processes. Until the late 1990s, central government had played a limited role in developing its ICT use. Instead, ICT had been developed more or less autonomously by agencies, which have used it mainly to support their own internal administration and/or service delivery processes and to achieve technical goals, including output efficiency”²⁷.

²⁷ OECD e – Government Studies – Norway, (2005), pp. 165.

One of the most common tool to exercise communication between state and citizens are the state web portal and www sites. Norway decided to establish portal Norway.no “The idea to establish a portal took shape in the context of effort to achieve administrative simplification. In 1999, the project for a public sector portal was included in the Norwegian Governments’ program – a simpler Norway. The objective was to give to the public sector a more unified appearance and make the search for public institutions and information simpler. The means identified to achieve was to create a portal that, in many ways, was similar to a phone book but that also contained a short description of the organisation of the structure and functions government. The portal also aimed to increase public agencies’ online presence and improve the quality of public services on the Internet”²⁸.

Norway.no should be considered as the gateway to the public sector in Norway. Portal was launched by the Ministry of Labour and Government Administration in January 2000. Some private vendors were also involved in the establishment of the portal. The portal aims to help members of the public find public information and access public services more easily. Norway.no is a service run by the Agency for Public Management and eGovernment (Difi), and is subordinate to the Ministry of Government Administration, Reform and Church Affairs. Norway.no presents information and services in Bokmål Norwegian – www.norge.no, Nynorsk Norwegian – www.noreg.no and English – www.norway.no. A Sami version of the portal – www.norga.no is also being developed. Norway.no also comprises a help desk service. Our help desk team can tell people which authority they should contact with questions about public services, rights and regulations. Most people contact us by telephone, e-mail, e-chat or SMS. Information on how you can contact is found on our web page Ask Us! From Norway.no you can access the one-stop online service centre MyPage. MyPage offers citizens a secured interaction point with public agencies, presentation of personal data stored in public registers and the opportunity to submit online applications and notifications. DIFI is responsible for managing and developing content for MyPage as well as providing guidance and information on how to use the online service centre.

As we consider the history of developing modern tools of contact between administration and citizens in Norway it has to be mentioned that whole period should be divided. One could discover significant changes of approaches to the electronic administration from decentralised form of it in 1970s, connected with the whole reform of administration (which resulted in general decentralisation) than centralisation in early 1980 (connected with providing greater interoperability), and than once more decentralisation (due to the project called New Public Management), and finally centralisation after 1990 (with a goal to achieve general public administration objectives). But since 1980s governments initiatives found supporting feedback in Norwegian society acceptance to this kind of activity and raised awareness of its

²⁸ OECD e – Government Studies – Norway, (2005), pp. 165.

use. Norwegian information society strategy's focused seriously on this tool to promote and spread economic development.

When it comes to public units responsible for deployment and maintenance of ICT administration projects we can also divide the history of Norwegian e-government into at least 2 periods during when the responsibility was in the hands of couple of Ministries and the period after 2004, namely after the reform which donated all the power into the hands of Ministry of Modernisation. Up until the creation of the new Ministry, the Ministry of Trade and Industry had the overall responsibility for ICT coordination in general society while the Ministry of Labour and Government Administration was responsible for ICT use and policies in public administration. Coordination was ensured on the level of State Secretaries on ICT, who could also find support in a serious of groups composed of senior e-government officials in central agencies. Current public bodies which take the responsibility for e-government consist of following entities: the State Secretaries' Committee on ICT, composed of 11 State Secretaries, the eContact group composed of senior officials from most ministries, the Ministry of Modernisation which develops and coordinates ICT police across different sectors and the Coordinating Body for e-Government established under Ministry of Modernisation which includes 13 leaders of central government institutions and 2 municipalities.

Everyone knows that building e-government is not a easy thing to do. It desires coordinated works in many public fields. It's would be enough to mention such featured obstacles, like: legal and regulatory barriers or budgetary barriers. That's why, the whole process of e-government creation is endless and need constant improvement. What is more, e-government mostly provide public administration services for the end-users. Bearing in mind the fact that public administration constantly evaluates, e-government will not ever have it's final shape. Still, Norwegian experiences in this field are one the most developed comparing to other states. "These achievements, however, only provide part of the picture of the overall impact that ICTs have had on the public sector. While Norway has been at the forefront in applying ICT to internal back office of government organisations to enable process efficiency and inter-organisational data sharing, it is in the middle of the pack in terms of the delivery of electronic services in the front office government (in comparison with EU countries). Much of the back office improvements were already achieved during the 1980s, at an early stage of e-government development and have provided a foundation for yet more improvements in both the front and the back office. Despite its early achievements on back office integration, Norway is now confronted with the same challenges as those countries which focused its e-government strategy on service delivery first, such as better integrating back office systems with front office service delivery. The challenge for Norway is to find a path that best exploits the well-integrated

government-wide use of technology, while respecting the tradition of a decentralized, consensus-based government”²⁹.

OECD report about Norwegian e-government found other shortcomings in the state model of social electronic engagement. “In contrast to other Nordic countries, in Norway there are relatively few projects to improve citizens’ online consultation and participation in policy making being undertaken by central government. Most of the e-government initiatives that do exist are targeted on providing information to citizens, rather than engaging them in e-consultation or e-participation. As in most other OECD countries, seemingly little civil society mobilisation is focused on e-government issues, though ICT and the Internet is an increasingly important organising tool for civil society organisations”³⁰.

Speaking about e-engagement, one should consider that it does not only include e-government projects. Another very interesting modern tool is e-voting. In this field Norway has also interesting achievements. Due to the common problems with integrity and security of e-voting systems mostly one can witness only trials with the regional reach rather than well-prepared state project. We can observe that different countries treat e-voting phenomenon from different angles. The attitudes to e-voting vary a lot and should be seen in relation to the different political traditions and particular characteristics of social development. “There are three different perspectives from which e-voting may be considered. One is a negative perspective: that e-voting is not interesting as an option at all. Another is a restrictive perspective: that e-voting may be considered only in the polling stations. The third perspective is the more liberal one: that voting over the internet may be considered in uncontrolled environments”³¹. Most commonly e-voting is still treated as an experiment to run rather than a historical imperative. The traditional paper ballot is a very strong and touchable manifest of democracy. Digital polling machines seem to be too artificial for the voters. However, statistics claim that more or less half of responders in development democracies are open for the new way of exposing political preferences.

In Norway, for example after, e-voting experiment, which took place in the three municipalities of Oppdal, Bykle and Larvik during the regular local and regional elections on September 2003 the opinions were different. “During the project period at the local elections in 2003 Norwegian voters were asked about their opinions on VOI if such a voting procedure had been provided. It should be noted that they were not presented with the possible advantages and disadvantages relating to this voting option. In sum, six out of ten voters said they would like to vote over the Internet”³².

²⁹ OECD e – Government Studies – Norway, (2005), pp. 18-19/

³⁰ OECD e – Government Studies – Norway, (2005), pp. 19.

³¹ Electronic voting – challenges and opportunities, Ministry of Local Government and regional Development, (2006), pp. 25.

³² *Ibidem*, pp. 28.

Other but one of the most significant step forward in the transparency Norwegian episode was the Norwegian Government decision from 2008 which states that all information on state-operated web sites should be accessible in the open document formats HTML, PDF or ODF. This means an end to the time when public documents are published in closed formats only. This means that, everybody should have equal access to public information. From 2009 on, Norwegian citizens are able to freely choose which software to use to get access to information from public offices. More competition between suppliers of office programs will be another effect of the government's decision.

The Government's decision was as follows:

- HTML is the primary format for publishing public information on the Internet.
- PDF (PDF 1.4 and later or PDF/A ISO 19005-1) is obligatory when there is a wish to keep a document's original appearance.
- ODF (ISO/IEC 26300) is to be used to publish documents to which the user should be able to make changes after downloading, e.g. public forms to be filled out by the user. This format is also made obligatory.

Minister of Government Administration and Reform Heidi Grande Røys said, that for many years, Norway had no specific software policy. This is now changing. Our government has decided that ICT development in the public sector shall be based on open standards. In the future, we won't accept that government bodies are locking users of public information to closed formats.

The government decision does not prevent state bodies from using other document formats in their communication with the users, provided that the documents also are produced in one of the obligatory formats, ODF or PDF. State and municipal organs as well should be able to receive documents in these formats from their partners or users³³.

Norway is also a country with well-developed electronic infrastructure in terms of access to legislative documents. The first system, called JURIS, started its operations at the University of Oslo in 1971. In this same time, the Norwegian Law Compendium (*Norges lover*) was created. In 1983, the electronic database of legal acts was made available in full to public use. Currently, in Norway there is a whole range of different catalogs, repositories and databases of legal information, including the most common: Lovdata (a system used by legal professionals – <http://www.lovdata.no>), ODIN (ministerial website – <http://odin.dep.no>), Domstolen (judicial review – <http://www.domstol.no>) and many others³⁴.

Since 80s Norway in the majority of various world rankings of countries occupies leading positions. One should be aware that the status of Norway to a large extent is determined by the characteristic model of its economy. The country is among the richest in the world and, more

³³ <http://blogs.techrepublic.com.com/networking/?m=200712> [Accessed 12 of May 2015].

³⁴ See more Thorpe, S., Features – Online Legal Information in Denmark, Norway, and Sweden, <http://www.llrx.com/features/scanda.htm> [Accessed 11 of May 2015].

importantly, its financial status is largely based on the extraction and sale of energy resources. Norway is the world's "top 5" oil exporters. Oil and gas sector accounts about 22 % of the Norwegian GDP and 67 % of total export. Norway is the most important guarantor of natural gas supplies to the EU (approx. 20 % of gas consumption in the EU, according to data from 2010) and a major exporter of metals (leading producer of ferroalloys and primary aluminum). Other traditional sectors of economic activity is shipbuilding (the fourth largest fleet in the world), as well as fishing and fish farming.

With such a wealth, Norway leads prudent management policy. In contrast to the oil Arab countries, the majority of income does not spent on consumption and cultivation of "gigantism", but collects at the national capital-investment fund. The Norwegian State Pension Fund consists of two funds: State Pension Fund – World, formerly known as the National Petroleum Fund (*Statens pensjonsfond – Utland, SPU*), and the State Pension Fund – Norway (*Folketrygdfondet*). The fund was established in the early 90-ies of the last century and is currently the world's second largest state fund for investment and savings (after the Abu Dhabi Fund). It has 1% of all shares listed on global stock exchanges. The Fund's investment strategy developed by the Norwegian Ministry of Finance assumes, in addition to the prohibition on investing funds in Norway, the investment chapter in the proportions: 60% of funds in equities, 35-40% in bonds and 5% in real estate. The Fund began investing in 1998 from the stock exchange, in 2000 opened up to emerging markets, and in 2011 started dealing with the real estate sector. In accordance with the recently adopted new strategy, Fund is to invest more in emerging markets and the real estate sector. This investment machine is present in 82 countries around the world and has in its portfolio over 8 thousand shares of global companies. Public information is that the average real rate of return since 1998 until 2014 was 3.75% (nominal – 5.83%). Investments in emerging markets yielded 7.4% gain and were driven mainly by China, India, Russia, Turkey and Brazil³⁵. For comparison, in developed markets fund earned 3.7%. In 2014 the fund value corresponds to 183% of GDP. The forecasts assume that by 2030 it will increase to approx. 220% of GDP. It is estimated that the assets of the Norwegian State Pension Fund at the end of 2014 years were worth approx. \$ 900 billion³⁶. For comparison, the nominal value of Polish GDP in 2013 amounted to \$ 525.9 billion³⁷. Taking into account that Norway has a population of 5 million people, it means gives 178 thousand \$ per capita of accumulated savings. Theoretically, every Norwegian is already a millionaire (it has accumulated more than one million kroner savings on the public account). There is therefore public conviction that potentially anyone could financially afford for two-generation vacation. Money, however,

³⁵ See Norwegia: w co inwestuje największy fundusz świata?, <http://forsal.pl/artykuly/817619,norweski-fundusz-majatkowy-w-co-inwestuje-najwiekszy-fundusz-swiatea.html> [Accessed 11 of May 2015].

³⁶ Jak zarabia największy norweski fundusz emerytalny?, <http://investlife.pl/jak-zarabia-najwiekszy-norweski-fundusz-emerytalny/> [Accessed 11 of May 2015].

³⁷ World Bank data, See <http://www.worldbank.org/pl/country/poland>, [Accessed 11 of May 2015].

should mainly be financial security for an aging population and ensure the safety of pension when they run out of reserves³⁸.

It should be noted that Norway has set an ambitious goal, not only to respect the principle of openness at home, but also to promote such behavior abroad. For years, it monitors the processes of extraction of natural resources in such countries, as Nigeria and Azerbaijan. Norway is also a driving force in implementing standards ensuring transparency in international economic activities and strives to create relevant standards in this area (e.g. *An international convention on transparency in international economic activity*). Norway wants to reduce abnormalities (e.g. “tax havens”)³⁹. Taking into account the overall achievements of this country in the promotion of transparency in Europe and worldwide, and the proven fact that greater openness of the state sector, result directly in a higher standard of civilization indicators – Poland and other country in the region should look closely at the deployed instruments there and treat it as an example to introduce.

³⁸ See more W Norwegii każdy jest milionerem, <http://www.bankier.pl/wiadomosc/W-Norwegii-kazdy-jest-milione-rem-3032599.html> [Accessed 11 of May 2015].

³⁹ Norwegian Commission , dealing with capital flows from developing countries (Norwegian Commission on Capital Flight From Developing Countries), published a report treated as an extension of early document of the OECD in 1998 – Harmful Tax Competition. Norway thus is one of the most important advocates of the Global Financial Integrity Project, which aims at establishment of a fair world trade rules and tax. Zob. Tax havens and development: a damning report, <http://taxjustice.blogspot.com/2009/06/tax-havens-and-development-damning.html>, (24.01.2012). [Accessed 12 of May 2015].