



MALAWI EXTRACTIVES INDUSTRIES TRANSPARENCY INITIATIVE

2022 to 2027

OPEN DATA POLICY

JUNE 2022

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1.0 Introduction

Open Government Data (OGD) is a philosophy and increasingly a set of policies that promotes transparency, accountability and value creation by making government data available to all. Public Institutions produce and commission quantities of data and information which is made public and accessible to enhance debate and policy reforms. The Malawi Extractive Industries Transparency Initiative (MWEITI) open data policy is intended to promote EITI and Open Government Data.

The policy requires agencies to open data and information in machine-readable formats in order to fuel innovation in government and the private sector. Open data policies are important, as their purpose is to ensure the long-term transparency of government information (Jaeger & Bertot, 2010) and thereby to contribute to citizens' rights to public access to government information, which is considered a fundamental tenet of democracy (Allen, 1992).

Open data can help make governments more transparent and accountable. It can provide the evidence that public money is being managed well and policies are being implemented. Countries that implement the EITI Standard are required to publish data in open formats to enable a broader use and analysis of the information. To disclose information in open data format means that companies and governments disclose information in a structured manner, that anyone can access, use, and share at any time, for free. This data can be published on reporting entity pages and on cross-governmental platforms, such as open data portals.

A lot of figures, covering topics such as revenues, production, exports, etc, are published as a result of EITI implementation. Users will want to draw on that data to respond to their questions or build their understanding of their sector. Disclosing data in open formats ensure users have the best access to that information. It also means information can be linked with other relevant sources. Publicly available open data is a stepping-stone towards mainstreamed EITI implementation or systematic disclosure of information.

Malawi Multi-Stakeholder Group (MSG) published the first open data policy for Malawi EITI in December 2016. MWEITI following the 2016 Open data policy started producing summary data sheet and publishing it on the MWEITI website in accordance with the EITI standard. However, in 2019 the new EITI standard was published by the EITI international Secretariat and that it included updated guidelines under requirement number 7, as such, it was important that MWEITI should revise the Open data policy to align to the new guideline.

In line with the new open data guidelines of the EITI Standard, this Open Data Policy intends to address how MWEITI will manage natural resource data in Malawi. The policy has been developed with the intention of ensuring that data relating to natural resources revenue, expenditure and other information are easily accessible, user friendly, understood

and raises public debate regarding the management of the oil, gas, mining and forestry industries. It is believed that the policy will greatly promote transparency, accountability and enhance good governance in the extractive industry consistent with the Malawi Government reform agenda and the EITI principles.

2.0 Contextual Background

The Open Government Partnership (OGP), which is part of the Malawi Government reform agenda, is the genesis of EITI implementation in Malawi. The country joined the OGP in 2013 and is among many countries that have made a high-level Open Government Declaration to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. EITI, therefore, became commitment five (5) of the OGP. From this step, Malawi made a major move towards more openness in the extractive industries through the expressed commitment made by His Excellency the State President to join EITI in 2014, which was followed by the granting of candidature status in 2015.

The spirit of openness and transparency, which is the main foundation of the Open Data Policy, is already enshrined in the Constitution of Malawi and is supported by several acts that have been developed, including the Corrupt Practices Act of 1995, the Public Officers Act, and Access-to-Information Act.

Pertaining to the Constitution, section 37 provides every person the right of access to information held by the state or any of its organs at any level of government. Section 13 provides for the establishment of measures that guarantee transparency, accountability and financial probity in order to strengthen confidence in public institutions. These principles are fundamental to the effective implementation of the EITI process and realization of open data objectives as under 2019 EITI international standard requirement number 7.

This Policy, therefore, has an adequate legal mandate to effectively support EITI implementation in Malawi. The legal mandate is derived from the Constitution of Malawi and several acts that have been developed. Furthermore, this policy is supported by the Government's reform agenda which is moving towards more openness and disclosure as reflected in a number of initiatives, laws and policies.

3.0 Policy Objectives

The Policy aims to improve public's access to EITI data, thereby promoting transparency and accountability and enhancing good governance in the extractive industry in harmony with EITI Principles and Standard. Specifically, the objectives of the policy are to:

- a. Improve transparency about government and companies activities and increase awareness about how Malawi's natural resources are governed.

- b. Promote beneficial ownership disclosure on who owns extractives companies, who holds licenses and permits, with its relevant fiscal terms.
- c. Provide information which is timely, of good quality, and address stakeholder needs and expectations.
- d. Promote accountability and good governance, enhance public debate and citizen engagement, help combat corruption through enhanced government accountability and improve the delivery of government services.
- e. Providing access to comprehensive data and information to empower various stakeholders.
- f. To be a valuable tool for government in improving extractive industries policy making and sector management.
- g. support the capacity of governments, industry and civil society to prepare and publish data through accessing existing tooling and resources

4.0 Policy Implementation Strategies

These policy objectives will be achieved through the following strategies:

- a. ensuring enhanced accessibility and communication of EITI data;
- b. ensuring regular reconciliation of payments by companies and receipts by Government entities
- c. facilitating voice and accountability initiatives;
- d. collaborating with and supporting the Public Sector Reforms Commission and Open Government Partnership and other relevant Institution;
- e. systematically publish open data by embedding open data policies and strategies in reporting entities involved in EITI reporting to ensure timely and quality data, accessibility and cost effectiveness of data delivery;
- f. working with users to identify priority data sets and the form that the data delivery should take;
- g. consider different user needs and access challenges based on gender, ethnic and geographic representation;
- h. ensure that data are provided in granular, machine-readable formats and fully described, so that users have sufficient information to understand their strengths, weaknesses, analytical limitations and security requirements, as well as how to process the data;
- i. release data as early as possible, allow users to provide feedback, and then continue to make revisions to ensure the highest standards of open data quality;
- j. release data under an open license, that allows users to freely obtain and easily re-use it;
- k. share technical expertise and experience with other countries to maximise the potential of open data in a socially inclusive manner;
- l. work to increase open data literacy and encourage people, such as developers of applications and civil society organizations that work in the field of open data promotion, to unlock the value of open data;

- m. ensure that data is interoperable with national and international standards, including adopting data standards approved by the EITI Board and additional guidance provided by the EITI International Secretariat;
- n. where possible support the cross-referencing of data with other datasets by using unique, persistent and public identifiers for commercial and government entities;
- o. consider the technical infrastructure to deliver and use the open data;
- p. consider the governance and sustainability of open data policies as to ensure that reporting entities have a data steward, data is retained, and security standards are in place.

5.0 Policy Interventions

These policy objectives will be achieved through the following interventions:

a. Ensuring enhanced accessibility and communication of EITI data

- 1) Orienting government Ministries, Departments and Agencies (MDAs) towards MWEITI Open Data and buy-in
- 2) Build capacities of MDAs to mainstream open data systems and culture
- 3) Facilitating mainstreaming and adoption of e-government systems
- 4) Facilitating and supporting the regular release of data through e-government systems, including MWEITI website
- 5) Facilitating distribution of and access to EITI related data and information

b. Ensuring regular reconciliation of payments by companies and receipts by Government entities

- 1) Facilitate annual independent audits of payments by companies and receipts and utilization of revenues by Government
- 2) Build capacities of companies and relevant government MDAs on EITI data storage and dissemination

c. Facilitating voice and accountability initiatives

- 1) Support initiatives of the Civil Society Organizations such as Publish What You Pay and Tax Justice
- 2) Facilitate EITI media coverage and interventions through a Media taskforce
- 3) Facilitating debate on EITI data and exploitation of extractive sector to inform policy

d. Collaborating with and supporting the Public Sector Reforms Commission and Open Government Partnership

- 1) Sharing technical expertise and experience with stakeholders, including Open Government Partnership and Public Sector Reforms Commission on open data;

2) Providing input to inform policy, institutional and service delivery reforms

6.0 Policy Outputs

- a. Government MDAs oriented towards EITI systematic disclosure and Open Data policy.
- b. Capacities of MDAs to mainstream open data systems and culture built
- c. Mainstreaming and adoption of e-government systems facilitated
- d. Regular release of data through e-government systems and MWEITI website facilitated and supported
- e. Distribution of and access to EITI related data and information facilitated
- f. Regular reconciliation of payments by companies and receipts by Government entities undertaken
- g. Annual independent audits of payments by companies and receipts and utilization of revenues by Government facilitated
- h. Capacities of companies and relevant government MDAs on EITI data storage built
- i. Initiatives of the Civil Society Organizations such as Publish What You Pay and Tax Justice supported
- j. EITI media coverage and interventions through a Media taskforce facilitated
- k. Debate on EITI data and exploitation of extractive sector to inform policy facilitated
- l. Technical expertise and experience with stakeholders, including Open Government partnership and Public Sector Reforms Commission on Open Data shared
- m. Input to inform policy, institutional and service delivery reforms provided

7.0 Implementation Plan

In order to systematically administer the open data policy, the implementation plan has been formed to guide the Policy implementation. The Implementation plan is added as an Annex. The policy objectives are summarized in 4 main objectives namely;

- a. Increase awareness on how Malawi's natural resources are managed and utilized
- b. Promote transparency on payment and receipt of extractive sector revenues and accountability on utilization of those resources
- c. Empower various stakeholders to access EITI data on the extractive industries
- d. Inform policy making and public sector management

8.0 Monitoring of the Policy

The policy will be implemented and be monitored through the MWEITI Annual Work Plan and the Annual Activities Progress Report.

9.0 Annex of the Implementation Plan

| Strategy | Activities | Output | Indicator |
|---|--|--|---|
| Objective 1: Increase awareness on how Malawi's natural resources are managed and utilized | | | |
| Ensuring enhanced accessibility and communication of EITI data | Orienting government Ministries, Departments and Agencies (MDAs) towards MWEITI Open Data and buy-in | Government MDAs oriented towards Open Data | Number of government MDAs oriented on Open Data |
| | Build capacities of MDAs to mainstream open data systems and culture | Capacities of MDAs to mainstream open data systems and culture built | Number of government MDAs buy-in and implementing Open Data |
| | | | Number of government MDAs supported with capacity building |
| | | | Number of officers from MDAs trained |
| Facilitating mainstreaming and adoption of e-government systems | Mainstreaming and adoption of e-government systems facilitated | SoPs adjusted per MDA to support Open Data | |

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| | Facilitating and supporting the regular release of data through e-government systems, including MWEITI website | Regular release of data through e-government systems and MWEITI website facilitated and supported | Volume of release and update |
| | Facilitating distribution of and access to EITI related data and information | Distribution of and access to EITI related data and information facilitated | of EITI data at MDAs |
| Objective 2: Promote transparency on payment and receipt of extractive sector revenues and accountability on utilization of those resources | | | |
| Ensuring reconciliation regular reconciliation of payments by companies and receipts by Government entities | Ensuring regular reconciliation of payments by companies and receipts by Government entities | Regular reconciliation of payments by companies and receipts by Government entities undertaken | Number of Annual Independent |
| | Facilitate annual independent audits of payments by companies and receipts and utilization of revenues by Government | Annual independent audits of payments by companies and receipts and utilization of revenues by Government facilitated | Audits with EITI data |
| | Build capacities of companies and relevant government MDAs on EITI data storage | Capacities of companies and relevant government MDAs on EITI data | Number of CSOs and MDAs trained in EITI data storage |

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| | | storage built | Number of officers in companies and MDAs trained in EITI Open Data storage |
| Objective 3: Empower various stakeholders to access EITI data on the extractive industries | | | |
| Facilitating voice and accountability initiatives | Support initiatives of the Civil Society Organizations such as Publish What You Pay and Tax Justice | Initiatives of the Civil Society Organisations such as Publish What You Pay and Tax Justice supported | Number of CSOs participating in voice and accountability initiatives regarding Open Data |
| | | | Number of initiatives on voice and accountability regarding Open Data being implemented |

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| | Facilitate EITI media coverage and interventions through a Media taskforce | EITI media coverage and interventions through a Media taskforce facilitated | Number of media slots and articles in print, social and electronic media |
| | Facilitating debate on EITI data and exploitation of extractive sector to inform policy | Debate on EITI data and exploitation of extractive sector to inform policy facilitated | Number of stakeholder engagement interfaces on EITI Open Data |
| Objective 4: Inform policy making and public sector management | | | |
| Collaborating with and supporting the Public Sector Reforms Commission and Open Government Partnership | Sharing technical expertise and experience with stakeholders, including Open Government Partnership and Public Sector Reforms Commission on open data | Technical expertise and experience with stakeholders, including Open Government Partnership and Public Sector Reforms Commission on Open Data shared | Depth of expertise and skills shared with reform and policy making stakeholders |
| | Providing input to inform policy, institutional and service delivery reforms | Input to inform policy, institutional and service delivery reforms provided | Number of proposals for policy making or reform |