OPEN DATA
TO FIGHT
CORRUPTION

CASE STUDY: LITHUANIA'S JUDICIARY

Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. Through more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.

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TABLE OF CONTENTS

INTRODUCTION

Open data is a key requirement for achieving progress in the fight against corruption. This is one of the reasons that the Group of 20 (G20) – which includes the most economically and politically powerful countries in the world – has opted to adopt open-data principles to help promote public integrity and reduce corruption.[1]

This move reflects a growing trend toward the increased publication and availability of open data – data that is freely shareable, comparable, released and usable (both legally and technically).[2] The international Open Data Charter and specific national initiatives have attempted to create a common foundation to accelerate this process. Yet much important and useful government data remains locked up. According to the Worldwide Web Foundation, 90 per cent of the 86 countries surveyed provide scant information on data related to government budgets, public contracts and public services (such as health and education).[3] This shows a continued trend, first found in a survey by the Open Knowledge Foundation in 2013.

The coming years will be critical to ensure policies and practices are in place to maximise the use of open data to fight corruption. For this to happen, data must be:

- accessible: it must be free to use and reuse, published in a timely manner, and easily found
- accurate: it must be complete and reflective of reality
- intelligible: it must be structured in a way that can be analysed (e.g. clear and consistent columns, values and formats), and
- meaningful: it must be useful for the user[4]

This case study – one of three produced – aims to provide guidance to policy-makers and activists in a diverse range of countries for how specific data sets can used to prevent, detect and investigate corruption. All three case studies look at national chapter or regional initiatives carried out by the Transparency International movement. These initiatives have been designed to leverage open data sets as part of addressing corruption. As such, the studies do not assess the broader landscape of open data or how it has been used in other areas to promote change.

The findings from all three case studies show that often many aspects of open data – that it is accessible, accurate, intelligible and meaningful – are not being met or are only partly fulfilled when it comes to data sets useful for reducing corruption.

Recognising and correcting these shortfalls is a critical step to ensuring that open data promotes positive changes for society and in people's lives. It is in this spirit that the case studies should be used.

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[1] These principles were approved during the G20 meeting hosted by the Turkish government in November 2015.
[2] Open Knowledge Foundation, "Open Data Handbook", http://opendatahandbook.org/glossary/en/terms/open-data [accessed on 27 January 2016].
[3] See World Wide Web Foundation, "Open Data Barometer", January 2015, http://barometer.opendataresearch.org.
[4] Criteria developed by Transparency International UK.

THE CONTEXT

CORRUPTION IN LITHUANIA

Transparency International Lithuania has established that the judiciary is one of the most critical sectors in the country in terms of vulnerability to corruption risks. Findings show that four out of five Lithuanians believe the judiciary to be corrupt or extremely corrupt.[5] These negative perceptions have probably arisen from the sector's lack of transparency and from more subtle forms of corruption that occur in the courts. Overall, in fact, the judiciary is not as plagued by bribery as other institutions are,[6] and there have been few documented cases of corruption.[7]

However, there have been numerous instances when judges have engaged in potential conflicts of interest. The most recent example involves judges from the Court of Appeals, including the chairman. The judges went to a celebratory dinner in a restaurant of a well-known businessman who had had several of his legal cases settled by the attending judges. The Judicial Council[8] did not discipline these judges,[9] even though the chairman admitted that his actions had been inappropriate.[10] This case is representative of the challenges that the Group of States against Corruption (GRECO) has noted in its recent assessment of corruption in Lithuania. Its subsequent report recommended actions to raise awareness among the country's judges of such ethical dilemmas and conflicts of interest.[11]

OPEN DATA IN LITHUANIA

The government has a mixed performance on open data. Although it seems to recognise its value, there is no overarching open-data policy, and related commitments have been folded into other initiatives. For example, open data is not addressed in the National Anti-Corruption Programme (2015) but it is included in Lithuania's Open Government Partnership National Action Plan.[12] There is also no centralised open-data portal, although discussions to create one date back to 2010.

The government continues to make sporadic gestures that it is going to pursue a more ambitious agenda. Recently, draft reforms have been proposed to an existing law[13] that would open all data (except data that is legally subject to privacy regulations) and apply a public licence, allowing for its

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[5] See www.transparency.org/gcb2013/country/?country=lithuania and the "Lithuanian Map of Corruption": http://transparency.lt/en/research/lithuanian-corruption-map.
[6] The medical and health service : www.transparency.org/gcb2013/country/?country=lithuania.
[7] See http://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=b45523ec-078d-4c53-93cb-e867b9872af9.
[8] The Judicial Council is a self-governing body of the judiciary: see www.teismai.lt/en/self-governance-of-courts/judicial-council/about-council/660.
[9] See www.teismai.lt/data/public/uploads/2015/04/20150424-52.docx [in Lithuanian].
[10] See www.teismai.lt/data/public/uploads/2015/06/nuasm.-2015-05-11-del-ez.pdf [in Lithuanian].
[11] GRECO, *Evaluation Report: Lithuania: Fourth Evaluation Round: Corruption Prevention in Respect of Members of Parliament, Judges and Prosecutors* (Strasbourg: Council of Europe Publishing, 2015), p. 39, www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4(2014)5_Lithuania_EN.pdf.
[12] See www.opengovpartnership.org/country/lithuania.
[13] These changes would be to the "Law on Access to Information from National and Municipal Institutions".

unrestricted reuse. The government, through the Ministry of Transport and Communications, also has commissioned a feasibility study on implementing an open-data initiative in Lithuania.[14]

Nevertheless, public sector institutions in Lithuania generally do not grasp the benefits that open data can bring. Almost no resources are allocated at the federal level to promote open data or to transform their current data sets into open-data formats.

The challenges of open data in Lithuania are reflected in the types and quality of data released on the judiciary. While quite large amounts of data about courts and judges are available online in Lithuania, it is not in an open-data format. The information is fragmented. Every court in Lithuania has its own web page but it provides no quantitative data (e.g. number of cases solved). The National Courts Administration (NCA) serves as the main source for such data but its website (www.teismai.lt) is not user-friendly and the data is not provided in an open format.

THE PROJECT

OVERVIEW

After numerous meetings with TI Lithuania, the National Courts Administration agreed to cooperate with the chapter in implementing a new online project, www.atvirasteismas.lt. The portal provides an opportunity for the average citizen to gain insights into the judiciary's work in Lithuania and to help provide an additional channel of accountability for the courts. TI Lithuania has aimed to use the site to make accessible previously inaccessible data about the work of the courts and judges. Through the site, citizens can easily, effectively and quickly search for judicial information. The site is seen as a way of responding to people's general lack of trust in the judiciary, which is perpetuated by the lack of publicly available data on the sector (see Figure 1).[15]

Figure 1: Screenshot of www.atvirasteismas.lt
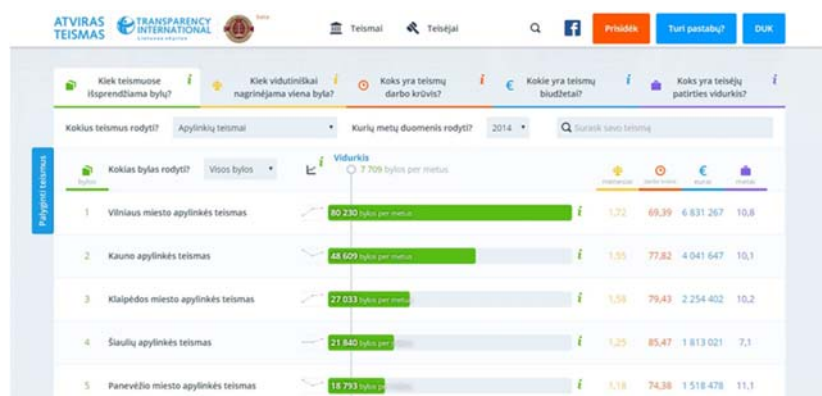
[14] See
http://ivpk.lrv.lt/uploads/ivpk/documents/files/IVPK_leidiniai/Galimybi%C5%B3%20tyrimo%20ataskaita_atviri%20duom
enys%202015.pdf.
[15] The displayed page can be found at http://atvirasteismas.lt/court/panevezio-miesto-apylinkes-
teismas/?court_type=same_type&case_type=all&selected_year=2014. Note that TI Lithuania has already agreed with
the National Courts Administration to integrate access to all decisions by all judges within www.atvirasteismas.lt so that
users can browse and search for any verdict rendered by a particular judge.

The site, launched in September 2015, allows users to explore the data on the performance of Lithuania's courts and judges. All the data, which has been standardised, is provided by the NCA (see Table 1 for details). Users can see the averages for performance-based indicators that the NCA uses to assess the different courts (local, regional, administrative and upper) and the judges working in them. The site also provides detailed data on individual courts and judges, including their ranking. A user can pick any judge and then compare her or his performance against other judges; the same can be done for a court. Such comparisons can be done over time, permitting a user to observe trends across the data dating back to 2009.

Table 1: Data Availability
Overview of Open Data Sets for the Judiciary[16]

DATA SET	INFORMATION	DETAILS
Cases resolved (by type)	**Total number of cases** per court and by type • Number of cases resolved by type per court • Number of cases resolved by type per judge • Nationwide averages in a given instance of courts and judges working therein	**Types of cases** • Civil • Penal • Administrative • Administrative offences Additional • Pre-trial documents • Requests for case renewal • Cassation complaints (at the Supreme Court of Lithuania)
Average time to solve a case (by type)	The average time to solve a certain type of case in a given instance of courts	Types of cases • Civil • Penal • Administrative • Administrative offences
Workload	The workload is a measure created by the Judicial Council (a self-governing body of courts) and is counted by a rather sophisticated formula that takes into account the peculiarities of every individual case (number of parties involved, number of claims made, number of witnesses, etc.)	
Annual budget	The financial funds the Lithuanian government has designated to maintain a particular court	
Experience of judges	The experience of each judge, measured in years (taking into account exclusively the years spent appointed as a judge)	
Days on duty	The number of days each judge has spent on duty (per annum)	

[16] All the data sets assessed are classified as open data and cover the years 2009 to 2014 inclusive.

Table 2: Data Quality
Overview of Open Data Sets for the Judiciary[17]

DATA SET	LEVEL OF OPENNESS	DATA QUALITY	AREAS FOR IMPROVEMENT
Cases resolved (by type)	**Good**: made available by the National Courts Administration of Lithuania in assembled data sets	**Average** • Fragmented and scattered (by court/judge) • Unclear guidelines on how the number of cases per judge is counted[18] • Arithmetical discrepancies observed	• Unify the structure • Provide clear guidelines on the number of cases per judge
Average time to resolve a case (by type)	**Poor**: made available by the National Courts Administration of Lithuania in assembled data sets	**Average** • Fragmented and scattered (by court/judge) • Incomplete: average time to resolve a case per judge and data on several types of cases are currently unavailable	• Unify the structure • Provide supplements to the missing pieces of data
Workload	**Poor**: made available by the National Courts Administration of Lithuania in assembled data sets	**Average** • Data applicable to two-thirds of courts and judges (depending on court/judge) • Manual impacts/alterations on the data with no backlog	• Extend the data so as to cover all courts and judges • Add a backlog of manual alterations
Annual budget	**Good**: accessible via the registry of legal acts (administered by the parliament)	**Good** • Initially not open data	• Assemble and publish data in open-data format • Assign one unit to administer all data (the National Courts Administration)
Experience of judges	**Average**: accessible via the website of the National Courts Administration	**Average** • Initially not open data • No archive (for the judges no longer on duty)	• Assemble and publish data in open-data format • Assign one unit to administer all data (the National Courts Administration)
Days on duty	**Poor**: made available by the National Courts Administration of Lithuania in assembled data sets	**Average** • Data applicable to two-thirds of courts and judges (depending on court/judge)	• Extend the data to cover all the judges and the full spectrum of the data set (e.g. trainings, attendance at meetings)

[17] Assessment of data quality (good, average, poor) based on national chapter's determination.
[18] Such as when the judge resolves cases alone, sits on a bench of judges or sits as chairperson of a bench of judges.

Prior to the launching of the website most of this data was available from the National Courts Administration, but it was collected in a fragmented and piecemeal manner (i.e. separate data sets were kept for judges working in local courts).[19] In addition no single template was used for the data files (i.e. the order of rows and columns differed). The challenge was to organise and compile all the data in a unified format, and also to persuade the NCA to adopt this same format in the future. In compiling and standardising the data for the site, a fair number of errors were found (i.e. the numbers were incorrect) that had to be fixed.

The website has been designed for all levels of expertise and user engagement. The information on the site ranges from user-friendly, personalised averages to highly complex graphics to make multiple comparisons.[20] This degree of functionality is aimed at satisfying the needs of any user, whether an "average citizen" or a judiciary expert. Users spend anything between 30 seconds and over half an hour on the website, depending on the level of information they are looking for.[21] In addition, by allowing searches by local courts and specific judges, TI Lithuania has aimed to personalise the experience in order to allow citizens to better familiarise themselves with the local justice bodies that oversee their area.

RESULTS

Although the project is still in an early stage, there are some key results that can be highlighted:

- The establishment of a constructive dialogue with public officials about their performance and current official indicators to measure it
- The development of a transparent assessment tool for use by the judicial oversight bodies[22]
- The opening up of previously underutilised data sets to a broader public
- The strengthening of government and civil society collaboration
- The creation of an open data champion within government

First and foremost, TI Lithuania has used the data to start a discussion with judges about how the performance of the country's courts and judges is assessed. During numerous rounds of feedback from judges, it became clear that the current performance-based system is not ideal for average citizens to understand how well courts and judges are doing their work. The current assessment criteria in use require higher-than-average expertise and knowledge to understand them, suggesting that the performance indicators should be revised. Overall, the creation and launch of the open-data platform has helped to develop an environment in which some performance-based measures currently in use are being revisited. For example, the project has created the momentum for a decision by the judicial oversight bodies to update the formula used to calculate judges' workload.[23]

Second, the website has increased levels of transparency in the country's judicial system by allowing more people to gain insights into the work of Lithuania's courts and judges. The launch of the site achieved a high degree of publicity and public attention;[24] in its first two months of activity over 4,000 users visited the website. This platform stands out from other online tools created by TI Lithuania (see the Annex) in the amount of time users spend on the site, which is four minutes (or twice the time spent on other related chapter sites), as well in the number of pages they are opening

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[19] The NCA did collect data but not all of it was currently available in data sets; for example, TI Lithuania extracted and consolidated data regarding the years of experience for judges.
[20] The site will allow users to download the raw data sets.
[21] Findings based on Google Analytics.
[22] The NCA has signalled that the judicial self-governing bodies may use the online platform and publicly available data as the basis for informing their decisions as to whether to promote a particular judge.
[23] This change started as of January 2016, and the first findings will be published in January 2017.
[24] This includes an interview on the national broadcaster's morning show (www.lrt.lt/mediateka/irasas/84473) and a comment on the transparency of judiciary sector in Lithuania: http://lrvab.lrt.lt/lt/archive/24733 [in Russian].

(four). For legal experts, the site has been instrumental in evaluating the work of courts and judges in the country. The next step is to better understand its precise level of use by the legal community, and then to adjust the respective elements of the site without creating a barrier for other users.

Third, producing the website demonstrated that meaningful cooperation between an NGO and a public institution can lead to a win-win situation for both sectors. The close involvement of the National Courts Administration and many of the judicial oversight bodies allowed this project to happen.[25] Even after the launch of the platform, representatives of the NCA were anticipating some negative reactions from its members, but these never materialised. TI Lithuania reached out directly to the chairs of all the country's courts, and the feedback received has been mainly positive (one-third of the chairs responded).

Moreover, business cases such as www.atvirasteismas.lt can be instrumental in promoting the idea of open data and the need for a national, local or institutional strategy. In the case of the judiciary, the website clearly showed the National Courts Administration the relevance of its data and brought attention to the way data was handled within the institution. Many categories of data were presented improperly, in licensed and/or non-machine-readable formats. The site brought to the attention of the NCA the procedures and technical solutions that should be used to manage its data, which may lead to updates of the institution's data systems. As a result, the work has led the NCA to express its support for open data.

LESSONS LEARNED

When working on projects with open data at the core, it is extremely important to understand and evaluate how the data's complexity can be a serious obstacle to delivering results. Below are some of the key lessons learned from the initiative.

- Build realistic timelines for projects on account of their data challenges.
- Promote the adoption and implementation of an open-data strategy.
- Assess expertise and resources accurately.
- Secure the buy-in of government officials about the importance and use of the data.

The obstacle of poor data (dirty/incomplete/unstructured) is common in almost all data-related projects. This was the case with the data provided by the National Courts Administration, and it caused delays in delivering the project since much time was needed to clean the data first. Due to the highly complex nature of the data, the work required went well beyond TI Lithuania's initial estimates.[26]

Moreover, government policies and strategic documents should be in place outlining the rationale, spirit and aims behind providing open data. They should also specify the types of data to be provided in an open format and the key principles for providing this data, which should be in line with internationally accepted open-data standards.

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[25] The oversight bodies in question were the Judicial Council, the Permanent Commission for the Assessment of Activities of Judges, the Examination Commission of Candidates to Judicial Office and the Selection Commission of Candidates to Judicial Office. For a full list of judicial self-governance bodies in Lithuania, see www.teismai.lt/en/self-governance-of-courts/judicial-court-of-honour/composition/665.
[26] To be more precise, the cost of creating the platform (handling and filtering the data, design, programming) added up to around €9,000 (some US$10,800). To put this into context, a week of programming amounts to €1,000 (about US$1,100 at current exchange rates).

It also is crucially important to be realistic in evaluating organisational expertise and resources, and, if necessary, include a wider range of stakeholders. In this case the NCA and the judicial oversight bodies[27] were active from the beginning of the project's conception.

Finally, TI Lithuania was able to secure the buy-in of the judges, leading to one of the key factors in the project's success. The judges were approached through a constructive dialogue. Initially there was much resistance to the publishing of data that potentially could be used to produce poor evaluations of their work in the eyes of the public. TI Lithuania put a lot of effort into explaining to judges the rationale behind the publication of performance indicators and why such a site was needed. After several direct consultations with all the judicial oversight bodies TI Lithuania succeeded in explaining why this was necessary for accountability. Moreover, the newly appointed chair of the Supreme Court of Lithuania assumed office with a strong public commitment to openness, and held up this project as a concrete measure to that end.

The project has been set up in such a manner that the data can be updated once a year and done over several hours. TI Lithuania intends to operate the site indefinitely.

[27] See note 24.

ANNEX

OPEN DATA TOOLS

Below is a list of additional tools built by TI Lithuania to standardise data into open-data formats.

www.manoseimas.lt This website aims to provide Lithuanians with easy access to data about the work of the Lithuanian Parliament (Seimas): voting track records, memoranda, biographies of Members of Parliament (MPs), bill enactment success rates, etc. It now attracts a steady flow of traffic, serving as the go-to reference point for people from all over Lithuania and abroad to get introduced to and evaluate the work of Seimas.

The tool's profile is currently being expanded and now also encompasses lobbyist activities around the parliament. It uses the data from the website of the parliament, www.lrs.lt, and a few other sources.

It is the first and only website in Lithuania that can provide insights regarding the performance of MPs in a user-friendly manner; it shows a number of MP performance indicators in the context of other MPs' performance. Ultimately, it is designed to help average citizens make their voting decision in an informed manner.

www.stirna.info This website allows users to quickly and conveniently find out who has owned the internet portals, newspapers, television and radio stations and news agencies in Lithuania since 1996. It also allows users to access network diagrams showing how media and business are interlinked in Lithuania.

The key strength of the tool lies in the fact that it provides data on the beneficial ownership of media outlets in Lithuania and shows interconnections between various outlets and individuals. Thus it showcases the complex networks of media ownership in the country.

www.jurgiokepure.lt This website allows users to explore the interest and asset declarations of municipal politicians. It also provides an opportunity to identify possible interest overlaps between members of municipal councils in Lithuania.

The tool serves two main goals: (1) it promotes awareness of municipal politics and, specifically, municipal governments in Lithuania; and (2) it promotes the transparency of municipalities by presenting a municipal transparency index.