This essay is part of a series essays dedicated to Open Data Day, in which we highlight the added value of different open data initiatives.

Decisions under the public eye: a promising set of open data

"Sunlight is the best of disinfectants." This famous quote from U.S. Supreme Court Justice Brandeis has often been cited as a powerful argument for government transparency: when government information is no longer hidden from the public eye, there should be less risk of arbitrariness in government practices. However, it is far from evident that certain types of government information, such as administrative decisions in individual cases, are publicly available as 'open data' to everyone. We challenge this assumption in our recent research project *Beschikkingen in Beeld* ('Decisions in the spotlight').

Administrative decision-making: hidden from the public eye?

Usually, administrative decisions such as licenses, financial grants or fines, are communicated only to the persons directly involved in these decisions. As a consequence, citizens are unable to check how governments have dealt with cases similar to their own. However, the Dutch Open Government Act (*Wet open overheid*) has the potential to act as a game changer here, as it will require governments to disclose these administrative decisions proactively to everyone, thereby enabling citizens to compare their case with other cases. This raises the question how public disclosure of administrative decisions as open data can improve transparency and quality of administrative decision-making.

This ideal might feel like something for the distant future, as this obligation to disclose administrative decisions to everyone has not yet entered into force. This is partly due to the practical challenges that governments expect to face when implementing this obligation. More than other types of government information, public disclosure of administrative decisions is considered a wicked problem, because of both the large volumes involved and the individual or personal nature of these decisions, with accompanying concerns about protecting privacy or sensitive business information.

Nonetheless, the mere existence of an 'obligation to be' in open government legislation might already encourage governments to disclose administrative decisions in individual cases to the general public, even if they are currently not obliged to do so. In order to explore that claim, *Beschikkingen in Beeld* has mapped existing disclosure practices of governments and has evaluated them on the basis of the applicable open government legislation.

A three-fold contribution

The contribution of *Beschikkingen in Beeld* is three-fold. **First**, we analyze for different pieces of Dutch legislation, including the Open Government Act, which legal requirements apply to public disclosure of administrative decisions. We show that other legal sources than the Open Government Act, such as legislation for market regulators, are equally relevant in establishing a culture or practice of openness. We also include disclosure policies adopted by governments themselves in our analysis, as these policies have the potential to further steer disclosure practices of governments.

Second, we develop a rich methodology for mapping disclosure practices of governments, which can be applied on a multiannual basis. Since there is no single way of disclosing administrative decisions, disclosure practices are scattered among different portals and websites. We identify different 'government paths' for public disclosure. What is more, since administrative decisions are not always disclosed as distinct categories that can be identified easily, we develop strategies for distinguishing 'true' decisions from false positives.

Third, we apply our methodology to disclosure practices of a wide range of more than 500 government organizations in the Netherlands, mapping to what extent they have already adopted a practice of public disclosure of administrative decisions in 2025. We adopt an approach of 'naming & faming' rather than 'naming & shaming'; we highlight best practices of frontrunners in public disclosure of administrative decisions rather than discussing extensively which government organizations 'fail' to release their decisions.

Five conclusions (and suggestions for the future)

Our **main** conclusion is that public disclosure of administrative decisions – as a distinct and 'wicked' information category – is still in its infancy with not more than 40 out of more than 500 Dutch government organizations disclosing this type of government information proactively. This seems to be mainly due to the fact that the obligation to disclose these decisions proactively, has not yet entered into force. At the same time, some organizations have not been hindered by this legislative 'delay' and have already chosen to disclose this government information proactively and successfully. *Hence: dare to disclose (and be inspired by our naming & faming).*

Second, laws and policies matter. The Open Government Act, even though it has not yet entered into force in full, has already encouraged certain governments to disclose their decisions. What is more, other legislation than the OGA might incentivize governments even more to publish proactively. We also find that policies are key to disclosure practices: in the absence of such policies, governments will hardly feel the need to make this information public. *Hence: adopt policies to further steer disclosure of decisions.*

Third, there is a huge difference between nominal disclosure and full disclosure. Nominal disclosure occurs when governments suggest they disclose administrative decisions, but fail to do so. Large numbers in disclosure practices might be misleading then. There are also several half-hearted attempts which introduce some transparency about administrative decision-making, but fail to release administrative decisions as such. Governments should not rest until they have achieved that final goal. *Hence: disclose decisions as complete as possible.*

Fourth, disclosure of decisions is highly fragmented. In the absence of centralized portals and standards, governments are still free in deciding which decisions they disclose in what way. This results in a rich variety of disclosure practices, but might also impede actual comparison between similar cases, which is one of the key ideas behind public disclosure of decisions. *Hence: develop a harmonized standard with uniform metadata for the disclosure of decisions.*

Fifth, it is often assumed that decisions should be disclosed 'at their source' by the government that took the decision on its own website or portal. Citizens would be inclined to look for information at those 'decentralized' sites. However, even within a decentralized government website or portal, citizens might get lost if decisions are not disclosed at a proper place. Citizens will not be looking for 'decisions' in general, but for (specific) subsidies or licenses, and government websites or portals should accommodate that citizen logic. *Hence: disclose decisions in a smart way, taken into account citizens' needs.*

What the future will bring: a new source of law and open data

Once administrative decisions become publicly available, they have the power to transform administrative decision-making procedures, as citizens will finally be able to compare their case with other relevant cases and to ask further explanation for any (perceived) inconsistency in administrative decision-making. By making administrative decisions publicly available, they can even transform into a new source of law, next to legislation and case-law from courts. Thus, the potential of administrative decisions as open data is yet to start.

Beschikkingen in Beeld is a research project funded by the societal coalition 'Over Informatie Gesproken' and executed by Tilburg University, Open State Foundation and Centerdata. It is part of the bigger research project Case-Inclusive Transparency for a Digital and Open Government (CITaDOG), which is hosted by Tilburg University and supported by different academic and societal partners (www.citadog.nl). The research report (in Dutch) of 'Beschikkingen in Beeld' and an accompanying website with disclosure practices of Dutch government organizations will be released at the end of this month.