



The Code of Recommended Practice for Local Authorities on Data Transparency



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September 2011
Department for Communities and Local Government

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Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000
Website: www.communities.gov.uk

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Tel: 030 0123 1124
Fax: 030 0123 1125

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The Code of Recommended Practice for Local Authorities on Data Transparency

Introduction and application

1. This Code is issued by the Secretary of State for Communities and Local Government in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980 to issue a Code of Recommended Practice (The Code) as to the publication of information by local authorities about the discharge of their functions and other matters which he considers to be related.
2. The Code sets out key principles for local authorities in creating greater transparency through the publication of public data. The Code does not replace or supersede the existing legal framework for access to public sector information provided by the Freedom of Information Act 2000, Environmental Information Regulations 2004, the Re-use of Public Sector Information Regulations 2005 and INSPIRE Regulations 2009. Following this Code should help local authorities to meet these obligations to achieve the routine publication of more data to enhance accountability to the public.
3. The Code applies in England only.

Definitions

4. In this Code:
 - 'the Act' means the Local Government, Planning and Land Act 1980;
 - 'local authority' means:
 - a county council
 - a district council
 - a parish council which has gross annual income or expenditure (whichever is the higher) of at least £200,000
 - a London borough council
 - the Common Council of the City of London in its capacity as a local authority or police authority
 - the Council of the Isles of Scilly
 - a National Park authority for a National Park in England
 - the Broads Authority

- the Greater London Authority so far as it exercises its functions through the Mayor
- the London Fire and Emergency Planning Authority
- Transport for London
- the London Development Agency
- a fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority)
- a police authority, meaning:
 - (a) a police authority established under section 3 of the Police Act 1996
 - (b) the Metropolitan Police Authority
- a joint authority established by Part IV of the Local Government Act 1985 (fire and rescue services and transport)
- joint waste authorities, i.e. an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007
- an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009
- a combined authority established under section 103 of that Act
- waste disposal authorities, i.e. an authority established under section 10 of the Local Government Act 1985
- an Integrated Transport Authority for an integrated transport area in England

Scope

5. Greater transparency of public bodies is at the heart of enabling the public to hold politicians and public bodies to account. Where public money is involved there is a fundamental public interest in being able to see how it is being spent, to demonstrate how value for money has been achieved or to highlight inefficiency. Publication of data should also be used to open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.
6. 'Public data' therefore means the objective, factual data, on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions. Public data

will generally not include personal information. Public data can only include personal information if disclosure would not contravene the Data Protection Act, and disclosure of personal information should be necessary to meet a legitimate public interest.

Principles

7. The following principles should underpin local authority decisions on the release of public data. Local authorities should respond to best practice as it develops. This requires a proactive approach to review and pursue higher standards.

DEMAND-LED

8. There are growing expectations that new technologies and publication of data should support transparency and accountability. Local authorities should not pre-determine the value of their public data and the level of public demand; rather they should understand what they hold, what their communities want and then release it in a way that allows the public, developers or the media to use it. This may involve users combining it with data from other sources to create new information.
9. The Freedom of Information Act 2000 requires local authorities to operate a publication scheme approved by the Information Commissioner's Office that sets out information that must be routinely published. Local authorities must comply with these requirements.
10. Local authorities should build and maintain an inventory of the public data that they hold so that people are able to know what is available to them. If public data would be released under Freedom of Information it should be included in the inventory. As this inventory is highlighted to the widest possible audience demand should grow and local authorities should expect to publish more.
11. These inventories should be registered on data.gov.uk to support a single point of access for all public data from national and local government.
12. As a minimum, the public data that should be released are:
 - Expenditure over £500, (including costs, supplier and transaction information). Any sole trader or body acting in a business capacity in receipt of payments of at least £500 of public money should expect such payments to be transparent.
 - Senior employee salaries, names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff. 'Senior employee salaries' is defined as all salaries which are above £58,200 and above (irrespective of post), which is the Senior Civil Service minimum pay band. Budgets should include the overall salary cost of staff reporting to each senior employee.
 - An organisational chart of the staff structure of the local authority including salary bands and details of currently vacant posts.

- The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the authority's workforce.
- Councillor allowances and expenses.
- Copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector.
- Grants to the voluntary community and social enterprise sector should be clearly itemised and listed.
- Policies, performance, external audits and key inspections and key indicators on the authorities' fiscal and financial position.
- The location of public land and building assets and key attribute information that is normally recorded on asset registers and
- Data of democratic running of the local authority including the constitution, election results, committee minutes, decision - making processes and records of decisions.

OPEN

13. Provision of public data should become integral to local authority engagement with residents so that it drives accountability to them. Its availability should be promoted and publicised so that residents know how to access it and how it can be used. Presentation should be helpful and accessible to residents and other interested persons.
14. Public data should be published in a format and under a licence that allows open re-use, including for commercial and research activities, in order to maximise value to the public. The Open Government Licence published by The National Archive should be used as the recommended standard. Where any copyright concerns exist with public data these should be made clear.
15. Publication should be in open and machine-readable formats. The recommended 5 step journey to a fully open format is:
 - * Available on the web (whatever format) but with an open license
 - ** As for one star plus available as machine-readable structured data (e.g. Excel instead of image scan of a table)
 - *** As for two star plus use a non-proprietary format (e.g. CSV and XML)
 - **** All the above plus use open standards from the World Wide Web Consortium (such as RDF and SPARQL21) and
 - ***** All the above plus link your data to other people's data to provide context
16. Local authorities should use a risk management approach with strong internal control arrangements to reduce the risk of any payment fraud as a result of publishing public data. Local authorities should refer to the Chartered Institute of

TIMELY

17. The timeliness of making public data available is often of vital importance. It should be made published as soon as possible following production even if it is not accompanied with detailed analysis. Where practical, local authorities should seek to publish in real time.
18. Public data should be as accurate as possible at first publication. While errors may occur, the publication of information should not be unduly delayed to rectify mistakes. Instead, publication should be used to help address any imperfections and deficiencies. This concerns errors in data accuracy not errors in redacting personal data, which is covered below. The best way to achieve this is by having robust information management processes in place.
19. Where errors in public data are discovered, or files are changed for other reasons (such as omissions), local authorities should publish revised information making it clear where and how there has been an amendment. Meta data on data.gov.uk should be amended accordingly.

Exclusions and exemptions

20. Local authorities must comply with the law on data protection, and so must not release data if that would contravene the Data Protection Act 1998 or sections 100A, 100B or 100F LGA 1972. Where information would fall within one of the exemptions from disclosure under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, INSPIRE Regulations 2009 or falls within Schedule 12A LGA 1972 then it is in the discretion of the local authority whether or not to rely on that exemption or publish the data. However, the Government believes that local transparency can be implemented in a way that complies with the Data Protection Act.

SIGNED: Shehla Husain, a Senior Civil Servant in the Department for Communities and Local Government

**Department for Communities and Local Government
28 September 2011**