

Open Data Consultation
Transparency Team
Efficiency and Reform Group
Cabinet Office
1 Horse Guards Road
London
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Parliamentary
and Health Service
Ombudsman

26 October 2011

Dear Sir/Madam

MAKING OPEN DATA REAL: A PUBLIC CONSULTATION

Thank you for the opportunity to comment on the Government's proposed approach for transparency and open data.

As Parliamentary and Health Service Ombudsman my role is to consider complaints that government departments, a range of other public bodies in the UK and the NHS in England, have not acted properly or fairly or have provided a poor service. My office aims to provide an independent, high quality complaint handling service that rights individual wrongs, drive improvements in public service and informs public policy.

The Parliamentary and Health Service Ombudsman is listed as a public authority for the purposes of the Freedom of Information Act 2000 and is registered as a data controller.

Parliamentary and Health Service Ombudsman and transparency

In 2009 I published the *Ombudsman's Principles*. These draw on over 40 years' experience of considering, investigating and reporting on complaints to propose a clear framework within which public bodies, including the Ombudsman's Office, should seek to work. One of these principles is *being open and accountable*, which means, among other things, that public administration should be transparent and information should be handled as openly as the law allows. Public bodies should give people information and, if appropriate, advice that is clear, accurate, complete, relevant and timely.



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We support, therefore, the drive for greater transparency and note the contents of your consultation.

We wish to make the following comments.

Open data and privacy

We welcome the statement by the Minister that throughout the push for more open data the government will ensure that privacy is preserved and personal data protected. This is a matter of great importance to my Office.

We hold a vast array of information in connection with the Ombudsman's statutory functions, much of which is personal, sensitive and confidential. We are committed to safeguarding that information and treating it seriously. At the same time, we seek to share the learning from our complaints with individuals and organisations who are likely to benefit from having access to that information and with the general public. The challenge for us, like many other public bodies, is to balance the need to protect the personal and other information given in confidence with the benefit of sharing information more widely.

We have worked hard to develop a considered, sensitive and sophisticated approach to the way we handle information and in November we shall launch a public consultation on two documents - *PHSO's Information Promise* and *Information Promise Framework* (which will be available on our website www.ombudsman.org.uk). The *Information Promise* and the *Framework* set out the approach we intend take to ensure that we strike the delicate balance between our wish to operate as openly and transparently as possible, and the duty to act within the legislation that governs our work.

We believe that for public trust in transparency to be maintained, privacy issues must be considered and embedded in any policies and processes and we welcome the publication of Dr Kieron O'Hara's report for the Cabinet Office. In particular, we would ask you to look into making available best practice guidance on legal and technical matters for those, like us, who are faced with complex decisions on whether or not to make data 'open' and how to do so without infringing the citizen's right to privacy.

Data Quality and outcomes

Informed choices are only made through access to accurate and comparable data. The publication of data of itself does not achieve this. We and others in the broader health landscape have agreed that there is a clear need for meaningful, comparable complaints information which can be used to help drive improvement in healthcare and strengthen the quality of services for patients and the public (see *Driving improvement and learning from NHS*

complaints information available on our website). We acknowledge that the current systems for capturing complaints information require significant improvement. We are committed to playing our part in the development of more meaningful NHS complaints information. We welcome the new statutory role envisaged for the NHS Information Centre and we will look to it to provide the practical and technical support required to bring about the necessary changes.

An enhanced right to data

I believe that an active and independent Information Commissioner's Office is crucial to making a practical reality of the transparency agenda. As you have pointed out in your consultation, the present access to information regime is complex, making it difficult both for those who seek access and for those who seek to be open and transparent. There is now a high level of recognition amongst the public and public bodies of the right to know and of the Information Commissioner's role in delivering that right. For the enforcement of the transparency agenda to lie with another body would make the process of challenge by the individual citizen extremely complicated. Moreover, it seems to us that one of the key tools to ensure that advances are made in transparency is through the revision of the Information Commissioner's model publication scheme and we welcome ICO's present consultation on this matter.

I trust these comments have been helpful. Please contact Rebecca Milner on 0300 061 1507 if you would like any further information.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'A.A.' or similar, written in a cursive style.

Ann Abraham
Parliamentary and Health Service Ombudsman