

‘Making Open Data Real’ Public Consultation

Universities UK (UUK) is the representative organisation for the UK’s universities. Founded in 1918, its mission is to be the definitive voice for all universities in the UK, providing high quality leadership and support to its members to promote a successful and diverse higher education sector. With 133 members and offices in London, Cardiff and Edinburgh, it promotes the strength and success of UK universities nationally and internationally.

Universities UK welcomes the opportunity to respond to the ‘Making Open Data Real’ public consultation.

Definitions

In his speech at UUK’s Spring Conference 2011, David Willetts MP stated that “*The Coalition realises that universities are not part of the conventional public sector. It will not treat you as if you were.*” The Higher Education sector is changing and evolving rapidly with the move to greater private funding and the encouragement of greater competition through diversity of provision. Higher education institutions are already subject to the Freedom of Information Act and recognise the work that the Information Commissioner has done to provide support and clarification on how this legislation applies to universities. However, it is not clear from the glossary of key terms how universities would be treated under the Open Data Policy.

Similarly it is not clear if the Open Data Policy would apply to teaching and research data, as well as their operational data; this has implications in terms of the timing, manner and appropriateness of what data is released. For example, under section 7.8 the paper refers to utilising data on life sciences; population data mining; consumer technologies; and media sectors – it is not clear whether the sources of such data include that collated through university research programmes. Higher Education is becoming an increasingly competitive sector; as such consideration should also be given to how the introduction of an Open Data Policy to England but not to the rest of UK; and to public but not private institutes will affect competition between institutes in anyway.

Engagement with the Open Data Agenda

Higher Education Institutions (HEIs) are already actively engaged in providing open data, through individual institution’s websites, through the Higher Education Statistics Authority (HESA) and through new work that is being conducted to produce Key Information Sets (KISs).

From September 2012 Key Information Sets (KIS) for prospective students will be available containing information on undergraduate courses (full-time and part-time) provided by all publicly funded HEIs, Further Education Colleges with undergraduate provision, and private providers who subscribe to the QAA (Quality Assurance Agency). These KISs will contain information on student satisfaction, graduate outcomes, learning and teaching activities, assessment methods, tuition fees and student finance, accommodation and professional accreditation. It is planned that the KIS will be available to potential students in the following ways:

- 1) Published 'in context' on the websites of universities and colleges via a KIS 'widget'.
- 2) On a new official website that enables users to search and compare both KIS and Unistats data.
- 3) On the redeveloped UCAS course search tool (Course Finder).
- 4) Through comparison websites and facilities provided by other organisations.

Additional to the KIS, the Joint Information Systems Committee (JISC) is funding a large capital programme to help universities use common technical standards for their course-related data to aid informed student choices (see:

http://www.jisc.ac.uk/fundingopportunities/funding_calls/2011/07/coursedata)

Universities are also already releasing open administrative data as a matter of course, for example the University of Southampton (<http://southampton.data.ac.uk>) and the Open University (<http://data.open.ac.uk>).

The vast majority of research conducted in UK universities is undertaken with a view to eventual publication and indeed, it is a requirement of the Charities Commission that research undertaken by educational establishments is only 'charitable' if its results are made available for the public benefit (that is, if they are published and in the public domain). Universities are also increasingly and pro-actively engaged in the open access agenda, ensuring that the data and results of their research are disseminated as widely as possible, by encouraging, and in some cases mandating, academics to deposit their research articles, once peer-reviewed, into an institutional repository, available to the research community and to the wider public to search online. According to the Directory of Open Access Repositories (DOAR), over 100 UK higher education institutions (HEIs) have now established a repository of this kind, either subject based, or including the research outputs of that institution across all key disciplines.

Many of the key funders of UK research, including the Research Councils and medical research funders such as the Wellcome Trust, also now have policies in place to require any peer-reviewed research paper resulting from their funded projects to be deposited in an electronic archive. It is well recognised across the academic community that improving access to publicly-funded research undertaken in UK HEIs not only benefits the general public as a whole but enhances the international reputation of UK research by making the results more accessible worldwide.

JISC and the Research Information Network (RIN) have also produced a report highlighting the benefits of data reuse via national data centres (see: www.jisc.ac.uk/news/stories/2011/09/datacentres.aspx). Whilst encouraging more research data to be open it is important to ensure that this happens in a managed way.

Research data

As stated above, it is not clear if research data would be included under the Open Data policy. If it is, the release of data 'as is' has the potential to generate real risks:

- to UK Universities reputation for high quality research;
- to data being used out of context leading to misleading or misrepresentation of data;
- for managing intellectual property and commercial opportunities.

It is important to note that our concerns are not from a desire to restrict the availability of research material, but solely around the need to protect the manner and timing of publication, so as to uphold the quality and reputation of UK research. These concerns have already been raised with regard to the Freedom of Information Act and a tabled amendment to the Protection of Freedoms Bill as:

- 1) Potential to diminish the quality and international reputation of UK research.

The publication of incomplete data and research results before the peer review process has taken place, and before the research in question can be rigorously assessed by experts within the scientific community, has serious implications for the quality and international reputation of UK research. An amendment to the FoI Act (via the Protection of Freedoms Bill) would ensure that UK research remains one of our most envied exports, in terms of its quality, performance, credibility and intellectual rigour. Such action is essential to ensure that we maintain our world-leading position in an increasingly competitive environment.

- 2) Fears over Intellectual Property rights and the UK's international standing.

In addition to the important issue of maintaining quality and reputation, there is also the potential damage to the UK's international standing if intellectual property rights cannot be appropriately protected. The expansion of the FoI Act through the 'Right to Data' Clause in the Protection of Freedoms Bill, combined with the absence of a research exemption (as illustrated in Scotland), means that universities could be restricted in their ability to protect Intellectual Property (IP) rights if a FOI request is received. Problems might arise, for example, when a research project is co-funded by industry, a research council and a medical charity, which is not uncommon with major medical trials. This will also have the unintended consequence that some international collaborators will be unwilling to allow UK universities access to data and information; for fear that it will be released prior to peer review and legal protection. This will restrict opportunities for joint working.

UUK is currently working with Research Councils UK, HEFCE, the Department of Health and the Wellcome Trust to support the highest standards of research integrity in UK research. UK research has an excellent status on the world stage, and ensuring that users of this research continue to have the utmost confidence in the quality of this work is vitally important to the higher education sector, to business and industry, and to the wider economy. As such it is imperative that the principles of transparency, rigour and trust remain indelible parts of all UK research, and that the highest ethical standards are maintained at all times. Our reputation as a world-leader in research and innovation depends upon clear and unequivocal acceptance of the principles of integrity.