

Open Data Consultation –Response from the Archives and Records Association

Section 1: An Enhanced Right to Data

1. How would we establish a stronger presumption in favour of publication than that which currently exists?

Areas (1) 'Embedding the principle that data should be open by default in existing legislation', and (2) 'Introducing a new requirement that all public bodies and providers of public service proactively publish data about the services they deliver' would be regarded as essential steps. The workability of area 3 'Establishing an enhanced right of challenge against decisions not to publish data to an independent body, accompanied by a power for that body to order not just the release of public datasets will be dependent upon the effective dissemination of information about what datasets are being created by public authorities.

2. Is providing an independent body, such as the Information Commissioner, with enhanced powers and scope the most effective option for safeguarding a right to access and a right to data?

Yes, but additional resources must be made available to support any new functions. With reference to area (6), experience of the Fol(S)A regime would indicate the benefits of providing for a statutory requirement to complete internal reviews within a given timeframe.

3. Are existing safeguards to protect personal data and privacy measures adequate to regulate the Open Data agenda?

Yes, given the clear implication that 'data' in this context excludes 'personal data' as defined in DPA.

4. What might the resource implications of an enhanced right to data be for those bodies within its scope? How do we ensure that any additional burden is proportionate to this aim?

Anecdotal evidence based upon the current Freedom of Information regimes suggests that any requirement to aggregate 'new' data sets from existing data can have a significant impact upon resources. This concern may be mitigated by area (8) 'mandating 'a phased introduction of 'Open by Default', delivered through a new generation of ICT systems, and accompanying policies'.

5. How will we ensure that Open Data standards are embedded in new ICT contracts?

The development and dissemination of model specifications may be helpful in this respect.

Section 2: Setting Open Data Standards

1. What is the best way to achieve compliance on high and common standards to allow usability and interoperability?

This will always be difficult because the technological world changes so fast and would need to apply equally to quite differently resourced organisations. Interoperability would be difficult to achieve and there may be licensing implications.

It should be remembered that public authorities collect data in order to undertake particular roles and employ specialists to interpret the information. Just because some information cannot be easily understood by the general public does not mean that it is of low quality. There could be a significant burden on public authorities having to create explanatory text or make changes to ensure the data is understandable to more people. Whilst the aim is laudable there is a clear resource implication in achieving this standard.

2. Is there a role for government to establish consistent standards for collecting user experience across public services?

This would be useful but would be likely to lead to the suspicion that successive governments would tinker with it all the time, making the consistency hard to achieve. Public authorities already have a significant burden in collecting data for central government (e.g. on equalities monitoring) so this would need to be properly resourced.

There would be a great deal to be done in creating a one-size-fits-all approach to monitoring the user experience. The term 'public services' covers a huge range of services provided, some chosen by the user (e.g. to visit a swimming pool) and some thrust upon them (e.g. appointment with a probation officer). It would also be important to collect qualitative data such as case studies.

3. Should we consider a scheme for accreditation of information intermediaries, and if so how might that best work?

In theory this would be a guarantee of quality that could be written into procurement tenders etc. It is hard to see how this would work in practice as

unless it was purely a self-assessment exercise the inspection and audit process for information intermediaries would be hugely expensive. Any scheme would need to take account of the type and sensitivity of data collected and held by the intermediary to ensure that it was appropriate. It might make sense to accredit for a minimum standard though.

Section 3: Corporate and Personal Responsibility

1. How would we ensure that public service providers in their day to day decision-making honour a commitment to Open Data, while respecting privacy and security considerations.

We believe that experience with Freedom of Information and Data Protection legislation has shown that to effectively achieve such an aim requires culture change within organizations. As outlined in the consultation one of the key requirements for a change in culture is strong leadership. As outlined below another requirement is the existence of a framework of sanctions and responsibility for such issues at senior management level.

2. What could personal responsibility at Board-level do to ensure the right to data is being met include? Should the same person be responsible for ensuring that personal data is properly protected and that privacy issues are met?

Personal responsibility at Board-level could help to achieve the leadership necessary within organizations to bring about a change in culture. This should help to facilitate the objective of open data and transparency. We feel that it is important to include not only public organizations but also those in the private and third sectors responsible for providing public services. This creates a 'level playing field' regarding what is required for public service provision.

We feel that it is sensible and logical to have the same person within an organization responsible for both protecting personal data and privacy issues. A single point of contact on these related issues should help to achieve a sound balance between the requirements of privacy and openness. The Caldicott Guardian Model in the health sector, which uses such a system, we believe, has largely been seen to be a suitable and effective arrangement.

3. Would we need to have a sanctions framework to enforce a right to data?

Yes, we would strongly argue that to be effective in achieving the stated aims of open data and transparency that a robust framework of sanctions is required. Recent history in the Freedom of Information and Data Protection fields has shown that for organizations to take these issues seriously requires a regime that includes sanctions sufficient enough to enforce the public's rights. We would

submit that the inclusion of monetary penalties of a sufficiently high level should be seriously considered.

4. What other sectors would benefit from having a dedicated Sector Transparency Board?

We feel that the areas of Health, Education, Transport, Crime/Justice and Welfare are indeed those that most logically should initially benefit from having a Sector Transparency Board. Once a new open data regime has been implemented and a judgment on how effectively it is working in practice can be made, then it would be appropriate to consider the addition of Sector Transparency Boards for other areas.

Section 4: Meaningful Open Data

1. How should public services make use of data inventories? What is the optimal way to develop and operate this?

Data inventories would support access legislation and give the public a greater insight into the data that exists within public authorities. In time they could help public authorities by cutting the number of requests for information that is not held. In order to be useful, it must be clear whether they are or are not exhaustive lists of the data held and titles must be meaningful to those without specialist knowledge or awareness of internal department structures: e.g. Blankshire County Council: Corporate Resources. Effective search facilities, controlled vocabulary of terms and user-friendly explanations of the terms used would be the optimal way to develop this. Establishing categories of data might not be too difficult in some cases as councils, hospitals etc. will all keep similar datasets.

2. How should data be prioritised for inclusion in an inventory? How is value to be established?

This is very hard but the aim should be for an inventory to be comprehensive as possible to avoid this kind of prioritisation. We do not think it should be entirely led by public interest in the data as this is likely to change over time and would become unworkable. Prioritisation of data will depend to a great extent on the organisation in question, but the main administrative, financial and business functions as well as likely interest should all be factors. Setting basic or minimum datasets for the inventory would be useful and could be built on at a later stage.

3. In what areas would you expect government to collect and publish data routinely?

Ongoing administrative and financial functions including expenses and allowances

Current and future policies, plans and strategies

Results of consultations or data gathering exercises

Information requests and outcomes and complaints

4. What data is collected 'unnecessarily'? How should these datasets be identified? Should collection be stopped?

We are not sure what is meant by this: surely no data should be collected without a purpose at all. Collection of data that is no longer required (or where the original purpose of collection no longer applies) should be stopped. However, data already collected should not necessarily be discarded – it may be important for research and/or historical purposes so could be offered to appropriate archive services.

Identification of 'unnecessary' datasets could be difficult and cannot be based on how interesting the public are likely to find it. The original purpose of the data collection should be examined, however, decisions are likely to be politically driven e.g. a project undertaken by an outgoing government.

5. Should the data that government releases always be of high quality? How do we define quality? To what extent should public service providers 'polish' the data they publish, if at all?

In order to answer the first question it is essential to decide on what would constitute the second!

Government releases should meet certain quality standards – as discussed in previous questions but it is probably not workable to have 'high quality' as a minimum standard.

In terms of 'polishing' the data, this would depend on the nature of the information and what the public service provider would do. We assume that 'data polishing' would mean adding explanatory text or arranging the data in such a way as to make it more understandable rather than attempting to give it a particular slant or interpretation. This could be a fine line between clarification and spin so there would need to be some parameters. However, some information would not be understood or accessible without some 'polish' so we would agree that it is appropriate to do this under some circumstances. Releasing raw data that cannot be readily understood defeats the object of the open data agenda.

Sections 5 and 6 –Government Sets the Example and Innovations with Open Data

Unfortunately, due to circumstances beyond our control we have not been able to provide comments on these sections

About us

The Archives and Records Association is the lead professional body for archivists, archive conservators and records managers in the United Kingdom and Ireland.

The ARA aims to support its membership through training, continued professional development, identification of employment opportunities, professional help and advice, and by providing a community to which the membership can belong and from which they draw benefit through open discussion and debate, as well as through gathering of information and advice.

Through its members the ARA is committed to working for high standards in the provision of and care of archives and effective management of record systems including the retrieval of information from them.

As part of our remit to represent the interests of the record-keeping profession nationally in discussions with central and local government, we regularly reply to consultations through our Legislation and Standards Working Group.

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