



Making Open Data Real: A public Consultation

Cornwall Council's response

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Chief Executive's Department

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1 Enhanced right to data

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

It should be acknowledged that this is culturally difficult to achieve. Board level approval and commitment is necessary, this should then cascade through all levels of the organisation and lead to culture change towards a presumption in favour of publication.

The risk of a presumption of publication is that it may become more difficult to withhold sensitive information (both personally and commercially sensitive). The consultation paper focuses on personally sensitive information, with little consideration to commercially sensitive information.

It would be possible to piece together different sets of raw data and produce identifiable information. There is potential for this to happen across departments of one organisation as well as with partner organisations across the public sector.

There are resource implications associated with the proactive release of information. It would be necessary to reassess the validity of publishing data on an ongoing basis and there is a bureaucratic cost to re-running database queries.

An increase in the amount of data readily available is likely to lead to a rise in FOI requests because people will be aware of what information exists and will have additional questions which aren't answered by the raw data.

However, a presumption in favour of publication would improve data collection activities because it would help officers think about what information is recorded and how, therefore leading to improved data quality issues over time.

1.2 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?

Giving the Information Commissioner enhanced powers for this is an appropriate way to ensure compliance, but it is vital to have clear standards set by central government with which public bodies should adhere. These should clearly set out the minimum data sets and format so that organisations have a clear framework within which to work.

Furthermore, additional capacity needs to be given to the ICO, to ensure he is equipped with the resources to enforce open data

standards in addition to his existing Data Protection and Freedom of Information responsibilities.

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

Currently there is not enough national guidance about what constitutes identifiable data therefore the decision to release the data is often down to individual judgment. There are different perceptions of anonymity leading to a lack of consistency nationally as well as mistakes being made. It is difficult for individual officers to weigh up the conflicting agendas of transparency and privacy.

A partnership approach to open data is vital because if several directorates / partner organisations make connected data sets available, users could pull the various sources together and create identifiable data sets. Most organisations don't have a central overview of this activity, so information disclosed in a FOI request, when linked to open data could compromise peoples' privacy.

There is a risk attached to publishing raw (uncleansed) data, for instance the 999 call database in its uncleansed format includes names and telephone numbers.

It is very resource intensive to apply rules to data sets when not enough is known about how the data will be used. There may have to be a move away from contextualising or polishing information held in datasets as it is impossible to foresee every possible eventuality / use. This means that the information will be generic and therefore of less value.

It is hard to give a full response to this question when the forthcoming changes to the Data Protection Act remain unclear.

1.4 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?

It is difficult to quantify without knowing what information will be expected to be published. There needs to be a balance between why organisations are collecting the information and how it will be used following publication.

There will be huge resource implications which could threaten to take resources away from the front line in a time of financial constraint.

1.5 How will we ensure that Open data standards are embedded in new ICT contracts?

Such requirements should be included in the procurement rules in the form of comprehensive standards. Such standards would have to be

introduced over time to ensure that the public sector could prepare itself.

Additional comments

1.6 What is your opinion on the proposal to amend the current fees regulations and cost limits under the FoIA to facilitate the release of more data. (Currently set to 18 hours for local government).

A manageable level should be set that is achievable within organisations' existing resources, limits should be applied to achieve this. If limits are not applied, organisations would have to focus on the 'reasonableness' of requests, so decisions would become more subjective.

There doesn't appear to be a clear case in favour of increasing the 18 hour limit, which is already generous in terms of officer time at a time of front line service cuts. It is vital to balance the need for transparency with front line service delivery.

1.7 What would the impact be to your organisation if the fee limits were to be extended?

We are already struggling under the weight of FOIA, in terms of number and complexity of requests:

If fee limits were extended we would struggle further. It is difficult to quantify the impact across the organisation, but over recent years we have received a year on year increase in FOI requests.

2009/10: 1121 requests

2010/11: 1270 requests;

2011/12: 1576 (projected);

This trend is unlikely to be reversed by the Open data proposals.

1.8 Would you have to release more data?

Yes – we would have to release more data in response to more requests.

1.9 What would the resource implications be?

It is difficult to predict the resource implications without knowing what the proposed changes will be, but we would need to allocate additional resources.

1.10 What is your view of setting a statutory time limit for the internal review of public data? (The ICO recommends a limit of 20 days while the EIR require the completion within 40 days.)

We already adhere to the ICO guidance of a 20 day turnaround for FOI and 40 day for EIR.

It is important to ensure a thorough investigation is carried out to enable an objective review.

1.11 General comment on Enhanced Right to Data?

Currently all open data initiatives affect a select few, we have not seen an increase in 'armchair auditors' perusing our data, private companies (such as software companies and journalists) are benefiting from this agenda. Whilst it is important to drive economic recovery, it is also important to safeguard frontline services for the most vulnerable.

It will be very difficult to collate data from comments / feedback as it is all likely to be free text. Furthermore this sort of data is more likely to focus on negative aspects of service provision, as human nature dictates that happy customers are less likely to comment. This therefore gives a skewed picture of service delivery. We would have difficulty providing this information regarding Social Care (both adults and children) due to the sensitivity of the data. There would be redaction issues with all complaints data, as names are not the only way to identify people it is often possible to identify people by circumstance – especially in a rural area. This is particularly important when the complaint is complex.

2 Setting open data standards

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

The policy around the provision of open data needs to clearly set out government's expectations of public sector organisations. The policies and standards should apply to every public sector body.

We need government to lead on setting clear technical standards to ensure the public sector knows what is expected in terms of open data. There should be a staged approach to the standards to enable organisations to work towards a gold standard.

The standards need to be supported by appropriate ICT infrastructure; this would be assisted by embedding open data standards in ICT contracts, via procurement rules.

There should be effective training materials on how to implement any standards / guidelines.

The standards need to be enforced in order for organisations to give their implementation the right priority level (see 1.2 above).

2.2 Is there a role for government to establish consistent standards for collecting user experience across public services? Is there a role for setting sector specific standards?

Whilst it's true that the policy and standards should apply to all public sector organisations, they must be clear and not open to interpretation, it is vital to ensure they are deliverable within existing resources.

It would be best if the standards were laid down by the ICO, they could evolve over time as the open data agenda progresses, rather than be laid down in statute.

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

Such a scheme would be another bureaucratic burden, what purpose would information intermediaries serve?

Additional comments:

2.4 Government proposes a five star model for publishing data to given standards: is this achievable and useful? Can you give any examples where this cannot be achieved?

We do not consider this to be a government role, as other organisations (e.g. openlylocal.com) presently carry out this role.

However, if this proposal were implemented, the five star model would need to be adaptable and take into account differences between public sector organisations as one size does not fit all.

2.5 Government implies that data should be made available free for reuse under the Open Government License. What is your view? Are you currently charging for any datasets? Please, give examples.

We do not think it is necessary to charge for reuse as it is not cost effective and/or too bureaucratic and time consuming to have a policy of charging in a small amount of instances.

It should be made clear that tax payers would ultimately be paying for the re-use of information whilst businesses would be able to make commercial gain from the information.

2.6 Would you agree with a monitoring process for monitoring compliance for example by extending the publication scheme and asset register?

No/maybe - Should be less of a Government role

We suggest that this could be demand led as currently happens with data.gov.uk where the public can vote for certain types of information to be released.

We suggest that open data be monitored locally rather than having a central monitoring unit which possibly wouldn't be aware of local needs, issues and differences.

2.7 General comment on setting open standards

We have concerns regarding the standards and length of time public sector organisations would have to implement them. We would like the opportunity to comment on the more concrete proposals during their development as it would be easier to judge at that point whether they are workable or not.

3 Corporate and personal responsibility

3.1 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.

It is important that senior management and Councillors have an understanding of the issues and implications of open data as well as a commitment to deliver the open data agenda. In order to achieve this it is vital that senior management and councillors understand the implications of not having such arrangements in place. This also applies to existing information legislation – it is vital to have senior management support.

3.2 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?

It is difficult for one person to have the necessary level of specialist knowledge to take an overview for the whole organisation. The Caldicott Guardian takes responsibility for a specific area of personal information, the consultation widens this out in a way which is impractical to implement in a cohesive way.

A better approach would be to have a champion for open data at board level, as well as a champion for data protection. These two people could then work together to ensure that information is published unless people's privacy is likely to be compromised.

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

Clear standards are necessary if sanctions are to be implemented. However financial sanctions are punitive and take away from frontline service delivery. We suggest that systems should be in place within organisations rather than imposed from central government.

However, badly performing public sector organisations should have a sanction for repeatedly not delivering the open data agenda. In order to impose sanctions appropriately it is vital that there are clear standards which organisations can work towards.

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

Third sector organisations should feed into the Public Sector Transparency Board

GPs

Further and higher education sectors.

3.5 General comment on corporate and personal responsibility?

Resources and commitment are necessary to deliver this agenda – there will be an inevitable cost to the front line.

4 Meaningful open data

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

Data inventories should be developed using a standard model (perhaps from the Information Commissioner's Office) so that the information and format is uniform across all public sector bodies.

The Government needs to define what's needed and expected as it is difficult and time consuming to provide data regarding everything.

It would be useful to have a register on the organisation's website (assuming all ICT systems are integrated) indexing all information and data supplied by services and where to access this. This approach would have the added benefit of ensuring that information is easily accessible in one place so that duplication doesn't occur, both in terms of officer time retrieving the information as well as duplicating the information itself.

Data inventories need to record which information fields are collected rather than just list reports to provide information to users. They should also identify the value of the data. If information isn't meaningful it may be necessary to provide context, however there are resource implications attached to this.

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

In the first instance statutory requirements and areas of national importance should be prioritised. Following this, areas of local and regional significance such as waste and car parking charges should be considered.

In order to ensure we respond to users' needs public sector organisations should consult with service users and the public to see what's important to them. It is difficult to define what should be included as people have different perceptions about which datasets are important.

In addition to this organisations should use the number and popularity of requests to see what else is of significance.

It is important to consider this across the whole public sector so that organisations and users can see how all of the data fits together.

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

We consider that government should routinely publish anything of public interest at a national level (e.g. transport, health, schools, social care).

In addition to this local issues which are common on a national basis.

4.4 What data is collected "unnecessarily"? How should these datasets be identified? Should collection be stopped?

Currently non-statutory data is collected and nothing is ever done with it and the data is never requested (either internally or externally). A comprehensive audit would need to be undertaken to establish the extent of this problem.

Another consideration is whether it is cost effective to collect the data? Organisations would need to evaluate the risk of not collecting this data, if the risk of not collecting the data is low it may be appropriate not to collect it. Standards regarding risk assessment would be useful to ensure that all public sector organisations are applying the same criteria, although there should be flexibility to take local needs into account.

Similarly it is important to consider whether the data informs policy or provides a need, where it doesn't and the data simply feeds publication it would be appropriate to stop collecting the data.

4.5 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?

Yes data should be of a high quality. Service providers would need to make sure it was “polished” as it is very important that context is provided alongside data so that the data is not misinterpreted. However this would have a resourcing impact for public sector organisations and it is impossible to foresee every possible eventuality / use.

4.6 General comments on meaningful open data

It’s important that context is provided alongside the data, especially given the increase in reported data, this will lead to a significant uplift in resourcing, especially prior to increased ICT capability.

5 Government Sets the Example

5.1 How should government approach the release of existing data for policy and research purposes: should this be held in a central portal or held on departmental portals?

It is widely agreed that release of existing data for policy and research purposes should be held in a central portal for ease of access. It would be assumed that some form of categorisation would enable specific research in certain areas. Current examples of this would be Direct.gov, Data.gov and the Office for National Statistics. Whether all information is contained within this portal or clear links are provided to relevant sites and pages should be considered further.

Consideration should also be given to providing clear guidance on the standards and format of data (e.g. XML) to ensure a consistent and compatible approach to data quality and sharing. By joining up resources, communicating with other partners and effective signposting, duplication of data collection could also be prevented.

5.2 What factors should inform prioritisation of datasets for publication, at national, local or sector level?

A detailed understanding of what data is currently collected and shared would be an important step before identifying further areas of prioritisation.

The public interest and social need should be the primary consideration when prioritising the datasets for publication at a national and local level. This could be ascertained through analysis of access and requests for existing information on a national level to identify core data areas with flexibility at a local level to include data requests in areas of specific interest.

There is an appetite to see data published which has contributed to the development of national and local policy, thereby providing

justification and evidence for the policy change. In addition it was suggested that data relating to or affected by policy change should also be collected and shared to show the effects of the change, whether that be positive or negative.

5.3 Which is more important: for government to prioritise publishing a broader set of data, or existing data at a more detailed level?

The level of detail of the data published should be needs driven and a one size fits all approach is not appropriate. Once a broad data set had been published, further enquires may follow requiring more detail and analysis of the original information. Similarly if a broad set of data is published and there is little or no response to that data, it could perhaps be given a lower priority in future. It would require a responsive approach to the quantity and detail of data provided to ensure we avoid the unnecessary publication of data which would lead to a waste of resource.

We are not convinced that the increase in published open data would reduce the number of Freedom of Information (FOI) requests as suggested by the consultation document, as the data itself without narrative and context could only lead to further questions and analysis.

By cooperating and communicating effectively with partner organisations at a national and local level, decisions on who collects more detailed data in certain areas would prevent duplication and wasted resources. An example of this could be the Regional Public Health Observatories that each specialised in a number of areas in addition to their geographical areas and shared the data across the country.

5.4 General comment on Government Sets the Example?

There will be a need to balance the resource required to compile, release and answer additional enquiries on the data made available with the public interest in the data. At a local level it would not be sustainable to apply additional pressure to the current levels of resource required to respond to information enquiries through FOI/EIR processes.

6 Innovation with open data

6.1 Is there a role for government to stimulate innovation in the use of open data? If so, what is the best way to achieve this?

Government could provide advice and guidance on how local authorities could maximise that opportunities in using open data.

Initial capacity and resource would be necessary to comply with the requirements of providing open data, opportunities to use the data to stimulate innovation requiring additional detailed analysis would require further specialist resource.

There are concerns that private sector organisations would be better placed to take advantage of the data to stimulate innovation, possibly leading to competition and 'cherry picking' profitable areas of service delivery. This concern was raised as private sector organisations would have access to the open data but would not be required to contribute to the information sharing process, therefore putting them at a competitive advantage.

6.2 General comment on innovation with open data

In principle the opportunity for organisations to share open data could lead to greater understanding of markets and therefore lead to service improvement and innovative development. The key success in this area would depend upon the quality of the data (and information) supplied and the resources available for analysis and implementation.

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