

Nick Morgan  
Open Data Consultation  
Transparency Team  
Efficiency and Reform Group  
Cabinet Office  
1 Horse Guards Road  
London  
SW1A 2HQ

20 October 2011

Dear Mr Morgan

**Making Open Data Real**

This response is on behalf of the National Housing Federation. The Federation represents 1,200 independent, not-for-profit housing associations in England and is the voice of affordable housing. Our members provide two and a half million affordable homes for more than five million people. We are grateful for the opportunity to respond to the Government's consultation on the proposed directions to the social housing regulator. We confirm that we are happy for our response to be made public.

This consultation takes place at a time of rapid development in the technology of data collection, storage and release. The pace and extent of change could not have been anticipated when the Freedom of Information Act was passed in 2000.

In particular, we agree that it is becoming clear that the crucial issue is not so much that data should be available (which is where the focus lay in 2000) but that they can be accessed in a machine-readable form so that they can be processed and linked. This will mean that data can be actively used in innovative ways, as opposed to simply being read.

We need to point out that the National Housing Federation, like other membership organisations, has a requirement to assess the need for activities which our members pursue in the public interest and to measure the spread and impact of these activities. For this purpose we rely to a large extent on data collected to a common standard by various levels of government and government agencies. In this context we value highly the work of such agencies as the Office for National Statistics and the research departments of the central civil service (eg DCLG and DWP) which have developed expertise in collecting and analysing data reputedly to a high standard of reliability. Their outputs are more important to us than access to a wide range of government data of varying definition and reliability (because differently collected and formatted). We are more concerned that these bodies should continue to be given the resources to continue with this work to the same reliable standard than that resources be given to opening up areas of data without context and the added value which expertise and experience can add.

In this evolving context, we agree with the aim of simplifying and clarifying the legislative and regulatory position regarding the release of public data.

However, we have serious concerns about the Government's approach to transparency, which seems to be satisfied by the release of large amounts of information, such as all expenditure over £500, without any of the explanation or context that make information meaningful. While it is, ultimately, for different parts of Government to decide how best to release its own data, we do not think it is appropriate for Government to seek to impose such an approach to non-governmental bodies such as housing associations.

We also note that the paper refers to the issue of the scope of public data but it does not include any specific proposals for using the power in section 5 of the Freedom of Information Act 2000 (FoIA) to extend the scope of the Act to non-governmental bodies that discharge public functions.

We suggest that Government should exercise great restraint in extending the scope of the Act in this way. This is partly because of the significant financial and administrative burden imposed by obligations under the Act, but there are more fundamental reasons for caution in this area. In the first place, such an extension clearly gives the body more of a public character and could result in public accounting classification issues. Moreover, the application of FoIA to non-public bodies undermines some of the assumptions on which the Government's information policy rests: for instance, it is argued (see paragraph 6.4.e of the present paper) that a government agency's FoIA costs may be offset by savings that result from the availability of its data elsewhere in the government sector. Such an argument is valid for bona fide government bodies, but it is much less persuasive for private organisations which would naturally attach a higher priority to any offsetting savings in their own field.

We note that the Justice Select Committee is about to embark on a comprehensive post-legislative review of the Freedom of Information Act, and we strongly urge that any further extension of FoIA is deferred until that review is complete.

Yours sincerely

**John Bryant**  
Policy Leader  
National Housing Federation