

Essex County Council

Making Open Data Real: A Public Consultation

1. Glossary of key terms

1. Do the definitions of the key terms go far enough or too far?

The definitions of key terms go far enough; it will be guidance around implementation which will be key to ensure a consistent approach is adopted.

2. Where a decision is being taken about whether to make a dataset open, what tests should be applied?

Whilst the culture across the public sector needs to embrace the publishing of datasets as a default, a starting point could be to apply the principles under the Freedom of Information Act (FOI)/ Environmental Information Regulations (EIR) including; redaction/anonymising, use of exemptions and the public interest test. This could aid the decision in whether the information should be published where there is uncertainty, also as this information access legislation is largely embedded into the public sector already; it could assist in gaining some commonality (or at very least a minimum standard) across the public sector.

Value for money is also a valid consideration, where it is likely to cost a significant amount to extract and publish datasets in existing systems (or historic data) consideration should be given to the value of publishing that information. There is the potential that this could be used as an excuse to actively avoid publishing information, this is where a public interest type test could help. By giving consideration to the value the data could have to the public, for example delivering more efficient services or allowing citizens to have greater involvement in decisions which affect them, it could assist in striking the balance between ensuring datasets are proactively published but avoid spending money and resource on publishing data which will add little value. As the open data culture embeds, the ability to easily extract data should form one of the basic requirements when designing or procuring new systems.

3. If the costs to publish or release data are not judged to represent value for money, to what extent should the requestor be required to pay for public services data, and under what circumstances?

As per response to 2 above, justifiable consideration should be given to the value of publishing information. Where it is found that publishing or release of data does not prove to be value for money, the decision to provide and charge should be down to each individual body – similar to how the charging works under FOI. Whilst recovering the cost of providing/ publishing the information works in some cases, there is likely to be instances where the impact of redirecting resource to gather data will have a negative impact on the delivery

of public services; there is the option to commission a third party to conduct the work in order for local resources to remain delivering public services but the charges which can be passed on to the requestor would need to reflect this. Overtime, value for money should become less of an issue as the open data culture embeds, the ability to easily extract data should form one of the basic requirements when designing or procuring new systems.

4. How do we get the right balance in relation to the range of organisations (providers of public services) our policy proposals apply to? What threshold would be appropriate to determine the range of public services in scope and what key criteria should inform this?

As the public sector moves more towards a commissioning based model for delivering public services, those providing the public services, on behalf of the public sector, should be equally transparent.

5. What would be appropriate mechanisms to encourage or ensure publication of data by public service providers?

Given the ICO's current remit and powers, it would make sense for this to be enforced by the ICO. Public sector bodies should also take some responsibility and build the provision of data publication into its contracts.

Providing checklists of the minimum key data sets to be published and naming those who don't comply may also assist and will allow the public to view the level of transparency of those providing their services.

8. Policy Challenge Questions

An Enhanced Right to Data

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

Lead by example, central government should set the example. Regulation and guidance would also assist in consistent decisions being made with clear links between publication and public demand.

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. It would make sense for the ICO to take on this role as they have experience in releasing information into the public domain. It is important that they are truly independent and with ability to impose appropriate sanctions.

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

In relation to Open Data, yes the existing safeguards are adequate although clear guidance and practice about anonymising datasets, in scope of publication, would be of benefit to ensure consistency and reduce the risk of datasets inappropriately identifying living individuals.

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?

As per above, consideration should be given to value for money and cost thresholds (these needs to be justifiable and subject to challenge), however, as the open data culture embeds, information should be proactively and routinely published and the burden therefore reduced. FOI/EIR should also reduce over time as more data is available and confidence in public sector increases.

Whilst the Open Data culture is embedding this is likely to require additional resource to achieve. Consideration needs to be given to the required level of quality of information published and work on reducing this burden over time through building the appropriate data extraction requirements into new systems and contracts.

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

The ability to easily extract data should form one of the basic requirements when designing or procuring new systems and services. Guidance should be produced centrally, including example contract clauses, and public sector bodies taking responsibility to ensure it is in all contracts from a specific date.

Setting Open Data standards

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

Publish centrally set principles (including dataset formats) and resources and have an independent body (such as the ICO) to enforce.

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

Consistent standards should be produced centrally and look to international best practice and standards and benchmark user experience. Consistent user experience should be collected, lead by central standards on what to collect, and managed by each public sector body and published so that comparisons can be made.

Due to the diverse nature of public sector responsibilities and significant variance in size and resource, any standards produced need to take this into consideration and allow for a consistent approach.

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

Ownership should remain with public sector.

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.

This should be achieved through centrally produced standards and independently regulated (i.e. right of appeal); the need for clear guidance will be key in aiding the decision making process.

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?

This could be build into existing roles within public sector, the SIRO or CIO role make sense to champion this at board level and take responsibility, the key for success will be identifying a common role across public sector.

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

To ensure consistency and take up, sanctions would help with this. An independent body, such as the ICO, with sufficient powers would achieve this.

Timing on the implementation of any such sanctions will be key in order to allow the Open Data culture to embed into processes and get the standards in place.

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

This should be left to individual public sector bodies; where it is believed that a dedicated board would add value, for example to assist with partnership working and sharing of best practice, then it should be encouraged. Where there are existing Sector Boards already in operation, consideration should be given by those boards whether to add transparency as part of their remit.

Meaningful Open Data

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

In order to make best use of data, there needs to be some constancy across data inventories to allow comparison/ benchmarking against similar public sector bodies and could assist with greater inter public sector working. Developing guidance per sector could assist with this.

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

Prioritisation should be given to the data which will add the most value to the public; in order to establish value consideration should be given to the public interest and value for money in producing the data. Reviewing most common datasets requested under FOI/EIR would be good starting point.

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

Financial information is key in achieving greater accountability across the public sector. Performance information could also add value as it will enable the public, and indeed others in the public sector, to gain an understanding of how well their services are being delivered in comparison to other public sector bodies, this would likely create more of a competitive culture and drive performance improvement; it will also better enable benchmarking and seeking out best practice from high performers.

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

Collection of data should only occur where there is a clear purpose for doing so; this should be considered alongside value for money.

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?

The information quality does not necessarily always need to be high, data cleansing and improvement can be a considerable task, instead consideration should be given to whether the data is meaningful and not misleading, as it is unlikely to add value. The aim should be for high quality but until we are in the position where all of our datasets are high quality, consideration should be given to public sector bodies declaring their perception on the quality of the each dataset published; this could be a simple score which would enable those view the data to understand the quality of what they are reviewing.

Government sets the example

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?

Where research is conducted, in most cases, comparative information is sought from a number of sources; therefore it would make sense for it to be held within a central portal with the ability to search for a particular government department/body. Links from individual websites can then point the central portal.

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

The key factor is public interest, such as key topics of debate which could be informed by reviewing trends within information requests (FOI/EIR).

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

Consideration needs to be given to how meaningful the datasets are/will be, broader sets of data seems like a sensible way to start to embed the open data culture, however, if the broader sets are not meaningful to the audience (i.e. public) then it will add little value.

Innovation with Open Data

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?

Yes. They need to lead by example and understand the needs of the public and encourage its use through highlighting research stimulated by dataset release and encouraging and illustrating links across datasets (i.e. across other authorities and departments).