

MERTON COUNCIL RESPONSE (VIA E-MAIL)

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

“Key public data sets” (including unstructured data) is a broad term and could potentially encompass most if not all of our datasets, if this is the case, there will be a significant cost in publication with potentially a diminishing benefit to the public, particularly if these datasets have not previously been requested by anyone under FOI.

The definitions could be more precise. Something along the lines of the model publication scheme issued by the Information Commissioner (which sets out what data sets need to be published) would be helpful and would have the additional benefit of aligning the information each council publishes, making it easier for requestors to combine data from different authorities.

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

The Freedom of Information Act provides a good framework for deciding whether information should be considered for publication.

The cost of extracting and formatting the data should be taken into account, as should the level of demand for data. Significant costs may be incurred in the provision of some data sets and these costs need to be balanced against the likely level of demand and the public interest in the publication of data.

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 service data, and under what circumstances?

Given that there are existing frameworks for the provision of information under the Environmental Information Regulations and Freedom of Information Act, any request for information that would cost in excess of £450 to produce might be subject to some form of charging mechanism. The removal of the cost limit from the Freedom of Information Act would be likely to make it extremely difficult to comply with the Act without deploying significantly more resources. Responding to FOI requests rarely involves disclosing a single data set. More often a trawl through numerous structured and unstructured information systems is required.

Last year this council received 1219 FOI requests and refused 143 on grounds of cost. If there is no cost limit then a fee would be required to prevent abuse of the system, incurring significant cost for marginal public benefit. Many requests have little public benefit beyond the interests of the person making the request. Coming at a time where resources are scarce, this would be a new burden on the council. One possible option might be to grant a short period of exclusivity to any requester who is asked to contribute towards the cost of providing large amounts of data. After this period the data would be freely available to subsequent requesters.

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 a starting point we suggest that you could adopt the same definition of public bodies used in FOIA.

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

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There is already a mechanism through the Publication Scheme and the Freedom of Information Act, utilising the experience of the Information Commissioner. Setting up a dual regime will be likely to increase the costs of enforcement and compliance.

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