

My Ref: 271011/PDB

Your Ref:

Contact: Jane Todd

Email:



Nottingham
City Council

Executive Office

Loxley House
Station Street
Nottingham
NG2 3NG

Tel:

www.nottinghamcity.gov.uk

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

27 October 2011

Dear Sir / Madam,

‘Making Open Data Real: A Public Consultation’

Please find attached our detailed response (Appendix A) to this consultation paper.

Nottingham City Council is committed to open government and recognises the need for transparency and accountability. We have already taken steps to make data publicly available. These include:

- publication on our website of our Constitution, Committee Papers, decision-making processes and records of decisions on our website;
- making information about procurement for small contracts accessible via an on-line portal ([Source Nottinghamshire](#));
- a long-standing commitment to ensuring access to tendering and commissioning opportunities for the voluntary and community sector – we have spent more than £100 million in the voluntary sector over the last two years, and we have developed a commissioning framework jointly with the voluntary sector;
- measures to develop the market, e.g. early publicising of when contracts for services are coming to an end, so that small businesses, social enterprises and voluntary sector can develop services and gear up for tendering opportunities; and
- online publication of our responses to Freedom of Information requests.

However, there are key issues raised by the consultation paper:

1. It is our view that this data must be meaningful, and the proposals for Open Data outlined in the consultation paper are likely to lead to a large quantity of confusing and less-than-useful data. This could actually reduce transparency by producing data-overload as the sheer volume of less-than-useful data would make it harder to find useful information.

The problems of uncontextualised data are recognised, and there is a very real risk of raw data being misinterpreted. We saw this recently in Nottingham, where the unemployment rate was cited as the highest in the country – a figure that was skewed by the disproportionately high number of students (40,000 out of a total population of 300,000) that live in the city.



INVESTOR IN PEOPLE



2. We are concerned that these proposals could be costly, for two reasons. First, there is the potential cost of preparing data (e.g. redacting personal data) for publication. Second, as the Government itself has recognised, they could lead to an increase in Freedom of Information requests asking for contextual information behind the data. We are therefore opposed to any requirement to release poor quality or uncontextualised data as we are not convinced that there would be a benefit in this.

Furthermore, at a time when local government funding is being significantly cut, we cannot justify taking money away from frontline services in order to resource what our citizens would see as, essentially, a bureaucratic “back office” function.

3. We welcome the recognition that Open Data will help to inform shared decisions as personal & community budgets extend across public services, and we would fully endorse the benefits of data sharing, and note that shared data standards across public services would help comparison. We would urge you, however, to go further in promoting data sharing through Open Data.

Data sharing is a fundamental requirement to enable local agencies to work together with, for example, families with the most challenging needs, and also to identify and address issues at an early stage before they escalate into more complex (and costly) problems – the essence of early intervention. This shared understanding is critical because tackling these issues account for such a large proportion of public sector budgets, and yet barriers to data sharing still exist.

The Open Data proposals promote a presumption of publication. We would urge Government to set out a similar presumption of data sharing between public sector agencies, for appropriate purposes, unless there are clear reasons for not doing so.

We would also ask the Government to press the Information Commissioner’s Office to give a clear view, when asked, on the legal permissibility of any proposal to share data, and how any Data Protection concerns could be mitigated. By adopting a more forthright approach, the ICO would give agencies greater confidence to share data.

We would also point out that there is a strong push for centralisation in the proposals, which runs contrary to the spirit of localism. Genuine localism would entail that it is for local authorities themselves to decide what data to publish and in what format, taking into account local needs and requirements. Local priorities – agreed by the City Council, its partners and the city’s citizens after extensive consultation – are set out in the Nottingham Plan, and we regularly report progress on the targets set out in this Plan.

More detailed comments follow on the specific consultation questions (see Appendix A, attached).

Yours faithfully,



Jane Todd
Chief Executive

APPENDIX A

NOTTINGHAM CITY COUNCIL RESPONSE TO 'MAKING OPEN DATA REAL'

GLOSARY OF KEY TERMS

- ***Do the definitions of the key terms go far enough or too far?***

The definitions of the key terms are ambiguous and should be more clearly defined. 'Dataset' refers to data that will *typically* (not exclusively) have been collected as a by-product of delivery, but the definition can be read so that virtually all data held by a public body could constitute (part of) a dataset. For local authorities, we would suggest that datasets are defined as those included on the Department for Communities and Local Government's Single Data List (see below).

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

The proposals outline a renewed commitment to protecting privacy, and an emphasis on publishing new data 'as is'. We would suggest that these principles should form the basis of the tests to be applied in deciding whether a dataset should be made open. Specifically:

- The data should be already held – there should be no requirement to create new data;
- The data should be easy to produce – it should be possible to release it 'as is';
- Data release should not infringe on anyone's privacy;
- It should be in the public interest to release the data;
- There should be no requirement to release commercially confidential information.

- ***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?***

Although the implication of publishing data 'as is' is that there should be no significant costs associated with the publication of data, we are nevertheless concerned at the potential cost of preparing data (e.g. redacting personal data) for publication. We would suggest that the current Freedom of Information (FOI) stipulation that requestors can be required to pay where the cost of supplying that information would exceed £450 (based on a prescribed charging rate of £25 per hour) should be extended to Open Data.

- ***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?***

The definition of public service providers is also ambiguous. It can be read narrowly (i.e. only referring to bodies established by statute to provide a service), but it seems clear from the full paper (and elsewhere) that the intention is for the requirements to extend to *any* organisation that provides public services, including private sector suppliers. There is a risk of an excessive Open Data burden being placed upon small organisations or suppliers that could consequently be 'priced out' of public service provision. (Alternatively, providers may increase their prices in order to cover Open Data costs, thus increasing the overall cost of public service provision.)

The Code of Recommended Practice for Local Authorities on Data Transparency does not apply to parish councils with a precept income of less than £200,000. A similar threshold, if applied to Open Data (i.e. only those voluntary and community, and private sector organisations receiving more than £200,000 public sector income), would go some way to mitigating this risk.

POLICY CHALLENGE QUESTIONS

- ***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?***

We would agree that the benefits of Open Data may offset costs in the medium-term, from reductions in bureaucracy and fewer FOI requests, although we would note that this is dependent upon reductions in data requirements and improvements in the quality and standardisation of data. Our concern, however, is that in the short term there is likely to be a significant cost impact that is not offset by immediate benefits. First, it would be necessary to invest in the drive to improve the quality of data and second, as the Government itself has recognised, it could lead to an increase in FOI requests asking for contextual information behind the data.

We welcome that the Government has raised the question of whether Open Data should be a supply-led or demand-led activity. We note the concerns as to whether releasing a deluge of data could be put to meaningful use, and we endorse the Minister's comment, "The US government had a reputation for putting out more data than anyone else. The slight criticism about its data sets is they weren't [always] what people were interested in."

The government has stated that it would take a "demand-led" approach. Our current position is that we have a publication scheme (currently being reviewed and enhanced) for FOI, and we now publish our responses to FOI requests online. It is not clear that a demand-led approach to Open Data would be a significant advance on the current demand-led position with regard to FOI. As the FOI Act is to be subject to post-legislative scrutiny this autumn, we would suggest that the outcomes of this process should be digested before Open Data proposals are enacted.

- ***How should public services make use of data inventories?***
- ***How should data be prioritised for inclusion in an inventory?***
- ***In what areas would you expect government to collect and publish data routinely?***

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

The Department for Communities and Local Government (DCLG) has published a Single Data List (SDL), a catalogue of all the datasets that local government must submit to central government in a given year. The Secretary of State has previously announced that councils will not have to provide anything that is not on the list unless extra funding is provided.

We welcome the Government's commitment to reducing the burden of data collection further and preventing future build up. We would therefore recommend that the SDL is established as the catalogue of datasets that local authorities are required to release under Open Data requirements.

Ultimately, our commitment to transparency and accountability has to be measured against the practicality, affordability and utility of making data open. The use of SDL datasets would enable meaningful comparison of data between authorities. It would also have the potential for administrative simplicity. At present there are over 7,000 datasets on data.gov.uk. Under the Open Data proposals there would potentially be many tens of thousands of datasets, and it is questionable whether this would actually increase transparency and accountability. If SDL datasets were aggregated and published by the relevant central government departments, this would release a manageable number of meaningful datasets.

- ***Should the data that government releases always be of high quality?***
- ***To what extent should public service providers "polish" the data they publish, if at all?***

We are concerned at the potential for misleading conclusions being drawn from low quality or uncontextualised data. The problems of uncontextualised data are recognised, and there is a very real risk of raw data being misinterpreted. Furthermore, as the Government itself has recognised, they could lead to an increase in FOI requests asking for contextual information behind the data. We are therefore opposed to any requirement to release poor quality or uncontextualised data as we are not convinced that there would be a benefit in this.

Equally, at a time when local government funding is being significantly cut, we cannot justify taking money away from frontline services in order to resource what our citizens would see as, essentially, a bureaucratic "back office" function. We would therefore expect DCLG to honour its commitments in respect of the SDL, and provide extra funding to cover the cost of any data requirements that extend beyond the SDL.