

# Hertfordshire County Council

## Making Open Data Real

Ref	Question	Response
0.1	Do the definitions of the key terms go far enough or too far?	Yes. The presumption should be that all non-sensitive data will be Open Data.
0.2	Where a decision is being taken about whether to make a dataset open, what tests should be applied?	Then tests must be simple and could usefully include criteria such as: <ul style="list-style-type: none"> <li>• Does the dataset relate to a key area of public interest</li> <li>• Will publication of the dataset provide measurable business, social or economic benefit.</li> </ul>
0.3	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?	Yes, the requestor should be prepared to bear full costs above a specified and reasonable level, along the lines of current FoI thresholds.
0.4	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?	All public service providers should be included by default, as per the definition "that public service providers include public bodies who have been funded, commissioned or established by statute to provide a service.  The sort of criteria which might be applicable for exception for public service providers could include: <ul style="list-style-type: none"> <li>• The size of the workforce (less than 100 directly employed staff)</li> <li>• The level of gross budget (less than £500k pa)</li> </ul>
0.5	What would be appropriate mechanisms to encourage or ensure publication of data by public service providers?	All mechanisms should be focused on championing good practice and not in any way punitive. These could include: <ul style="list-style-type: none"> <li>• Star rating</li> <li>• Kite-marking against a set of agreed minimum standards</li> <li>• Use of exemplars of good practice/showcasing best practice</li> </ul>
	<b>Questions: Enhanced right to data</b>	
1.1	How would we establish a stronger presumption in favour of publication than that which currently exists?	A number of simple strategies could be employed: <ul style="list-style-type: none"> <li>• Lead by example and encourage climate</li> </ul>

		<p>of transparency.</p> <ul style="list-style-type: none"> <li>• Increase the public awareness of Open Data</li> <li>• Exemplify best practice, showcase and celebrate examples of benefits that can be derived from published datasets.</li> </ul>
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?	Yes, we believe there is a need to establish an independent arbiter. We agree that the ICO is best placed to fulfil this role with a limited extension of its current powers. Their duty with respect to Open data should be to ensure compliance with minimum requirements of Open Data guidelines.
1.3	Are existing safeguards to protect personal data and privacy measures adequate to regulate the Open Data agenda?	Yes, current Data Protection Legislation should be broadly sufficient to regulate the Open data agenda. Any minor modifications can be picked up in the new DP Instrument
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?	<p>There are some significant resource implications, including:</p> <ul style="list-style-type: none"> <li>• The maintenance of large numbers of datasets for limited / occasional external use can place a significant burden on information services which need to focus on improving service delivery as public bodies</li> <li>• The need to respond to public feedback &amp; meet minimum requirements that are of no direct benefit to core service delivery</li> </ul> <p>Use of appropriate update frequencies must be proportionate to avoid high data maintenance overheads</p>
1.5	How will we ensure that Open Data standards are embedded in new ICT contracts?	We recommend that Central Government should provide standard clauses for LAs to use.
	<b>Additional questions by LG GROUP:</b>	
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).	The current cost limits already seem to provide a reasonable balance between requestors being satisfied and authorities able to cope with the burden. We would not want any changes to be applied retrospectively.
	a) What would the impact be to your organisation if the fee limits were to be extended?	Raising the limit would increase the costs in staff time spent on preparation (redaction etc.) at a time when staff numbers are being reduced. However, the impact would still be marginal were it to be raised to 24hrs as per central government bodies. This is because the requests

		we have refused as exceeding the current limit are small and have often required material which is only held as text in clients' files rather than further mining of dataset material. These would still tend to exceed such an increase in the fees limits.
	b) Would you have to release more data?	Yes, in a few instances - most exceed the limit by considerably more than 10 hours
	c) What would the resource implications be?	Depending on the amount of redaction required, we estimate a doubling of the current fees limit would require a 10% increase in staffing in this area at a time when staff numbers are being cut.
	d) How many cases do you reject annually on the basis of a fee limit?	About 50 cases per annum, or 5% of our current volume of complex FOI/EIR requests
1.7	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.)	This depends entirely on the amount of redaction required which could be significantly longer than 20 days. Any internal review process will introduce a further maintenance process which adds to the burden.
	a) How long does your organisation take to review FOI cases?	We use 20 days as our standard and meet it in over 95% of cases currently (1000+ a year). There is limited scope to improve this further and any additional workload as a result of Open data will make this level of compliance more difficult to achieve without additional resources.
	b) Would you be able to complete internal reviews within 20 days in line with the ICO recommendation. Else, could you give reasons why 20 days would not be sufficient.	See above
1.8	Do you have any general comment on Enhanced Right to Data?	Similar 'time to produce' assessment to FOI after which the data is either not provided or provided at a cost, but potentially longer than the current FOI limits
	<b>Questions: Setting Open standards</b>	
2.1	What is the best way to achieve compliance on high and common standards to allow usability and interoperability?	<p>A range of strategies could be employed:</p> <ul style="list-style-type: none"> <li>• Publication of minimum requirements by central government</li> <li>• Promotion of same by regulatory body (ICO)</li> <li>• Use and publication of star rating</li> <li>• Public pressure through development of applications using the datasets.</li> <li>• Active promotion of best practice by regulatory body.</li> </ul>

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?	Yes. Central Government could specify minimum standards which citizens can expect. We do not believe it is appropriate to set sector specific standards, rather LAs should be encouraged to be proactive in seeking feedback on their Open Data sites and as part of routine public survey activity.
2.3	Should we consider a scheme for accreditation of information intermediaries, and if so how might that best work?	No. Standards would be difficult to maintain without changing technology, standard metadata to show data sources, and data manipulation.
	<b>Additional questions by the LG GROUP:</b>	
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?	Yes. A star rating gives a clear picture. However it needs to be applied sensibly as the proposed criteria are not appropriate to all datasets.
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 agree that we should continue with the current OG license. We do not charge at present, nor do we have plans or the inclination to do so where published information meets identified needs provides realisable social, business or economic benefit.
2.6	Would you agree with a monitoring process for monitoring compliance for example by extending the publication schema and asset register?	We agree that the publication schema should be extended but do not see the need for any further external monitoring of compliance beyond the regulatory body's assessment of compliance. An alternative model could be the use of internal audit services to provide relevant assurance.
2.7	Do you have any general comment on setting open standards?	It needs to be driven by public and cross-authority application demand
	<b>Questions: Corporate and personal responsibility</b>	
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.	Through several strategies referred to earlier: <ul style="list-style-type: none"> <li>• Central Government lead by example</li> <li>• Publication of minimum standards</li> <li>• Championing of minimum standards by regulatory body (ICO)</li> <li>• Promotion of said standards by ICO</li> <li>• Use of star rating</li> <li>• Identification and promotion of best practice</li> <li>• Use of internal assurance services to provide compliance assurance</li> </ul>

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?	We believe there should be a Single Open Data champion at Board level, and that this person should be the same one responsible for ensuring that personal data is properly protected and privacy issues are met. Internal audit could provide compliance assurance in support of this role.
3.3	Would we need to have a sanctions framework to enforce a right to data?	No, an emphasis on promoting entitlement and best practice in meeting that obligation, coupled with a star rating (external) and a suitable light touch assurance regime should be sufficient.
3.4	What other sectors would benefit from having a dedicated Sector Transparency Board?	Possible Construction and Financial services in the commercial sector
	<b>Additional LG GROUP question:</b>	
3.5	Do you have any general comment on corporate and personal responsibility?	The concept of corporate responsibility, promoted by a Data Champion at Board level, should prevail with devolution of personal responsibility through the organisation via the management framework, as Health and Safety
	<b>Questions: Meaningful Open Data</b>	
4.1	How should public services make use of data inventories? What is the optimal way to develop and operate this?	Support centralised data inventory to allow data to be co-ordinated corporately.
4.2	How should data be prioritised for inclusion in an inventory? How is value to be established?	<p>Priority should be identified according to;</p> <ul style="list-style-type: none"> <li>• Does the dataset relate to a key area of public interest (eg salaries, contracts, expenditure, service performance)?</li> <li>• Will publication of the dataset provide measurable business, social or economic benefit?</li> <li>• Is the dataset likely to be available more widely, in a consistent format, for comparative purposes?</li> <li>• Is the already data available for public use through an existing information process?</li> </ul> <p>The inventory should be incorporated as part of the FOI publication scheme.</p>
4.3	In what areas would you expect government to collect and publish data routinely?	As above, with emphasis on Contracts and Procurement
4.4	What data is collected "unnecessarily"? How should these datasets be identified?	Datasets which are too granular and for which there has been no measurable benefit, either for LAs or for citizens. These include such datasets

	Should collection be stopped?	<p>as:</p> <ul style="list-style-type: none"> <li>Schools Workforce Census of central staff which have limited national value</li> <li>The National Minimum Dataset of care employees</li> </ul> <p>If all non-sensitive common datasets are available through Open data then it is incumbent on central government to demonstrate what value the national collection of these datasets adds. If this cannot be specified then such collections should be stopped.</p>
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?	No, not necessarily. There should be basic data quality checks to make sure the information is not misleading or contains inappropriate personal information. Beyond that there is a premium on publishing information as soon as possible. However, the reasons for any updates to a dataset should be specified. We do not feel it is necessary or appropriate to polish the data beyond these basic checks on validity, privacy and currency.
	<b>Additional question LG GROUP:</b>	
4.6	Do you have any general comment on Meaningful Open Data?	<p>In general we believe the main arbiter of "meaningful" should be the public audience. Interested parties can add value if they wish by further analysis of the data.</p> <p>We agree with statement in 6.11 "propose that the emphasis be placed on releasing new rather than old...."</p>
	<b>Questions: Government Sets the Example</b>	
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?	<p>Both. Public accessibility is the key determinant here. Actual location should be irrelevant to the public provided data is well signposted from either a central or departmental portal. A "no wrong door" approach should be adopted here.</p> <p>Also, at present, changes in govt departmental structures often lead to previous departmental data being archived and removed from easy public access.</p>
5.2	What factors should inform prioritisation of datasets for publication, at national, local or sector level?	These should align with the factors applied locally - see section 4.2. The only difference here is one of scale and comparability

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 answer is whatever is more useful to the public, which is more likely to be the breadth rather than depth.
	<b>Additional LG GROUP question:</b>	
5.4	Do you have any general comment on Government Sets the Example?	The Government needs to set a good example of demonstrating that Open Data provides clear and demonstrable benefits to the public. Its must not appear to be publishing data for the "sake of it", or "just because it can be done". That is not sufficient. There has to be a clear purpose.
	<b>Questions: Innovation with Open data</b>	
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?	<p>There is a definitely a role, one which focuses on enablement and encouragement rather than one of prescription and sanction. There are a number of simple strategies that could be employed, for example:</p> <ul style="list-style-type: none"> <li>• Publish case studies of proven effectiveness</li> <li>• Challenge the public - what do they want to know?</li> <li>• Set up challenge competitions</li> <li>• Promote the public's entitlement to Open data and thus generate a public appetite for such data locally</li> <li>• Encourage/enable apps development and sharing, including involvement of HE sector</li> </ul>
	<b>Additional LG GROUP question</b>	
6.2	Do you have any general comment on innovation with Open Data?	Innovation has to come from the users of the data. It can be encouraged with government initiatives but it will only work if there is a real public and/or business need for the information.