

## **Response to the HMG consultation paper 'Making Open Data Real: A public consultation'**

Devon & Somerset Fire & Rescue Service recognise the need and benefits of improving access to public sector data. We strongly support the benefits that improved transparency for the public in terms of accountability and choice will bring. However the paper raises some concerns and we have provided the following as our response to the proposals in the paper.

### **Response to key questions for consultation**

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

We would require a clearer definition of the data sets. This would make it much easier for to be sure we are publishing what is requested. It would also be easier for the public in terms of consistency of the data they can expect to see from their service providers on a regular.

Also it must be clear as to what is out of scope. This should be clear for all authorities and made clear to the public as to the reasons why.

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

We cannot provide an answer to this question as we are not clear about the nature of the datasets.

However all authorities should ensure that data can be legally published. The Freedom of Information Act already provides a framework for this type of decision making process.

#### **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?**

There will be instances when the cost of releasing certain data will be deemed not worth the cost to the public authority. This is clear under the Freedom of Information Act.

However if the public authority can charge for data then surely it can only be for the actual cost of providing that information. This cost should include the data retrieval and any cleansing (such as making anonymous or redacting information).

As a public authority we are committed to providing value for money for our communities.

#### **4. Whilst improving access to our data may improve accountability, is it always going to offer the best value for money?**

In order to satisfy the proposals there will inevitably be a large resource implication, not only for what seems to be an expected improvement to ICT, but also staff resources. This against a backdrop of budget cuts, redundancies and efficiency programmes seems unrealistic. People/staff cannot be taken out of the equation of making data open.

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?

Using existing legislation would help lessen the burden on public authorities. Some of the references and assumptions made in the document would be unachievable for many public authorities given the reduction in budgets due to government spending cuts. Examples of these assumptions include:

- Higher cost limit for FoIA request for data held within ICT systems procured after July 2012.
- Mandating a phased introduction of 'Open by Default', delivered through a new generation of ICT systems and accompanying policies.

We would be keen to avoid disproportionate impact on smaller authorities, such as the fire and rescue service.

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

The existing legislation seems the best way. The Freedom of Information Act is widely recognised by the public as a means to obtain information from public authorities. It also requests authorities to publish information on a regular basis through the publication scheme.

The Information Commissioner's Office manages this well for public authorities. The offices powers seem effective and sufficient and they have always provided this fire and rescue service with an excellent service.