

## **A consultation on Making Open Data Real**

### **Response by the Council of Mortgage Lenders to HM Government consultation paper**

#### **Introduction**

1. The CML is the representative trade body for the first charge residential mortgage lending industry, which includes banks, building societies and specialist lenders. Our 109 members currently hold around 94% of the assets of the UK mortgage market. In addition to lending for home-ownership, the CML's members also lend to support the social housing and private rental markets.

2. The CML welcomes the opportunity to respond to the government's consultation on Making Open Data Real: a public consultation. Our members use public data, in particular land information held by the Land Registry and Ordnance Survey, to assist in making decisions to lend on residential properties. Our response focuses on particular issues which impact in this area, and as a result, we have answered selected consultation questions only.

#### **Summary**

3. While there are clearly opportunities available to government for improving the way in which public data is used in England and Wales, care must be taken to mitigate some of the risks or unintended consequences associated with making data available. We hope that government recognises that the Open Data agenda needs to be carefully considered in the context of unintended consequences. The consultation document focuses on the positive benefits and there is little discussion on issues such as misuse of open data.

4. The potential for greater amounts of information being made available to the public on Land Registry and Ordnance Survey information poses opportunities and challenges for lenders. Clearly, there are opportunities for investing and improving the current information available. However, with private sector investment, there is the risk that commercial drivers are favoured at the expense of the greater public interest in appropriate use of the data. Depending on the granularity of the data available from Land Registry and Ordnance Survey, for example, this could have both positive and negative impacts on the conveyancing market.

#### **Setting Open Data standards**

5. Our only comment is that it would be preferable to have a common set of standards for data release, and that this is best established through government.

#### **Corporate and personal responsibility**

6. We agree that there is a need to ensure that personal data is fully protected and security of the data is paramount. While we have no particular view on how this might be achieved, there should be clear lines of accountability.

#### **Meaningful Open Data**

7. While we have no particular views on this, we suggest that establishing a consistent set of data inventories would also help to feed into the development of common standards for the data itself.

#### **Government setting the example**

8. We agree that standard setting, by effective use of government data could result in efficiency gains and other positive outcomes. We have no view on where the existing government data should be held, other than to observe that if the data is held centrally, this could provide a more immediate

understanding of what is held and therefore assist in identifying where duplication or complementary information exists.

9. In terms of prioritisation, we suggest that the datasets are reviewed, not just in terms of positive benefits but also for potential risks around release. This could then translate into controlled or conditional release, depending on the nature of the information.

10. Our only comment is that depending on the data, there may be more risks associated with publishing at a more detailed level. For example, providing granular detail about properties could provide fraudsters with opportunities to use the information to their advantage.

### **Innovation with Open Data**

11. While we recognise the potentially beneficial innovation which could arise from a programme of Open Data, we would also caution against the unintended consequences which could arise from the making more data available. In the context of property information, we have identified some possible impacts:

- Better availability of information may provide opportunities for those providing information services to expand on and develop their services and improve the quality of information available about properties. This could help make the conveyancing process more efficient.
- The risk that more readily available land information provides opportunities for fraudsters to backwards-engineer the information to their advantage – for example identifying unregistered land.

12. The consultation focuses on the positive benefits of making information more accessible to the public. To balance this, the risk related to misuse of information also needs to be considered and carefully managed within the overall policy framework.

### **Response to selected consultation questions**

#### **Glossary of Key Terms**

**Q2: where a decision is being taken about whether to make a dataset open, what tests should be applied?**

We believe that a key consideration should be whether there are any foreseeable consequences of releasing the information i.e. any risk of misuse.

**Q4: 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 key criteria will need to include whether the organisation receives public money, and the extent to which the information collected by the organisation could be considered 'open data'. Organisations outside the auspices of the Crown (such as Local Authorities) hold valuable data and will need to be considered within the scope.

**Q5: What would be the appropriate mechanisms to encourage or ensure publication of data by public service providers?**

A legislative or Information Commissioner-type regulatory mechanism would be necessary.

#### **An Enhanced Right to Data**

**Q2: 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?**

Possibly, but with rights there must also be responsibilities and any independent body must have the ability to investigate and act on alleged misuse of data.

**Contact**

13. If you have any comments or queries on this response, please contact Jennifer Bourne

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