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**My reference:** Open Data  
**Your reference:**  
**Date:** 26 October 2011

Dear Sir or Madam

## **MAKING OPEN DATA REAL: A PUBLIC CONSULTATION**

Please find below the response to sections of the Making Open Data Real Consultation. The responses provided come from Havant Borough Council and from all FoI and EIR professionals that belong to the Hampshire and Isle of Wight Freedom of Information and Environmental Information Group, which includes Local Government, the NHS and other agencies, but specifically excludes Ordinance Survey as they have provided their own response due to their unique position.

### **Response supplied by the Hampshire and Isle of Wight Freedom of Information and Environmental Information Group**

Response provided by Havant Borough Council

#### **8.6 Would change in the following areas assist in this aim?**

- 1. Embedding the principle that data should be open by default in existing legislation.** Only concerns would be that data may be manipulated for improper use by companies and criminals and the additional work for staff.
- 2. Introducing a new requirement that all public bodies and providers of public service proactively publish data about the services they deliver.** Our current internet software could not support the level of additional information that would be required to complete to provide full open data. **Additionally, there are some items that are so obscure we have not been asked for them at all so there is no perceivable benefit to publication.**
- 3. Establishing an enhanced right of challenge against decisions not to publish data to an independent body, accompanied by a power for that body to order not just the release of public datasets, but also the format, quality and regularity of publication** Agree
- 4. Exploring whether the current fees regulations and cost limits under the FoIA should be amended to facilitate the release of more data.** The current cost limits are causing problems for staff currently with the ever increasing use of FoI and EIR legislation. This will not reduce with open data. We no longer get similar requests for information as all obvious areas have been identified and are now published. The only time this ever happens is when there is a media frenzy on a particular subject and

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people do not look at the web page but just submit requests. There are two types of large requests some are due more to the number of questions being asked others the complexity. **It may be worth considering a two layer cost system. 1.5 days for a simple request. 3.5 days for one that requires significant searching, collating and redaction of the response.**

5. **Exploring whether the Information Commissioner has sufficient powers to enforce the legislation. We think so**
6. **Legislating to provide statutory time limits for internal reviews. Yes, but with an exemption/exception where external legal advice is being sought (for instance the ongoing legal debate on land charges).** Some requests for review cover areas that are going through due legal process and as such the Council cannot give an adequate response until that process has been completed.
7. **Ensuring through procurement rules that the data collected by public service providers is stored in ICT systems that minimise the cost and difficulty of publishing data online** This may be achievable in the long term. The cost of such systems may be more than the cost savings made through publishing on-line. And we are back to the validity of publishing data of very limited use to anyone
8. **Mandating a phased introduction of "Open by Default" delivered through a new generation of ICT systems, and accompanying policies.** This may be achievable in the long term, finances dependant.

#### Questions for consultation

1. **How would we establish a stronger resumption in favour of publication that that which currently exists.** I do not know, but much change has already been driven by a need to cut time spent responding to information requests. Unfortunately most if not all of the repetitive requests now have information published automatically. So the Open Data initiative will have a nugatory effect on requests. But will add to staff workloads.
2. **Is providing an independent body, such as the Information Commissioner, which enhanced powers and scope the most effective option for safeguarding a right to access and a right to data?** Yes, but only if they understand the commercial requirements for data and do not assume that everything needs to be published. We have many items and registers that are never asked for. The additional effort of publishing information, keeping it updated and storing it on the web for no benefit to companies and organisations is pointless.
3. **Are existing safeguards to protect personal data and privacy measures adequate to regulate the Open Data Agenda?** Currently no. The reason is that information containing a mix of commercial and personal data has to be manually checked to remove the personal data. For instance in empty properties and some non domestic rates. To reduce the data risk, business process will have to be amended to allow for personal data to be highlighted to ease removal and reduce risk and reports run that would then be loaded onto the web,
4. **What might the resource implications of any enhanced right to data be for those bodies within its scope? How do we ensure that any additional burden is proportionate to this aim.** There are no benefits to local Councils by introducing these measures. I can however see an increase in workloads. People who coordinates all FoI, EIR, RUPSI and DP requests for Councils can assure you that there is a continuing growth of requests and NONE currently received would be stopped by additional open data publication. From the HIOWLA Information

group the range of hits on the covering transparency page on Council's websites that have been reported to me range from an average of 250 per month to 76 per month, that page covering senior staff salaries, expenditure over £500 and contracts. Please note that this hit rate does not exclude staff or identify different users. It is the total number of hits. We would recommend that further consultation be undertaken to check how many hits these pages get for Local Government, together with hits on any disclosure logs. From our experience, the most interest on our transparency pages was from local media organisations and other Fol professionals.

I can certainly see the benefits to the release of more information held by central government bodies and organisation but feel that there is very limited gain to be made for commercial companies beyond which is already provided. Shown below is a list of requests received by Havant Borough Council within the last month. I have excluded the 6 requests for information that is already published on our web but where commercial organisations find it easier to submit requests than to search individual Council web sites for the information.

|  |
|--|
| Recording meetings under the Children's Act 1989   |
| CCTV footage of accident at Bus Depot 2 Feb 2011   |
| Details of children's play areas and parks   |
| Budds farm,  |
| Homelessness and at risk of losing homes   |
| Debt written off by Council  |
| Payments made to employees made ill or injured at work   |
| Vehicle rental and leasing   |
| Mill Rythe Holiday Park - licence  |
| Municipal Clocks   |
| Mobile phone policy, contract, usage and charges   |
| Right to Buy   |
| Staff and shared services (publication scheme)   |
| Stray dogs   |
| Staffing levels, salaries, pension and sickness  |
| Art  |
| Adoption   |
| Murder Enquiry- xxxx xxxxxx xxxxxx (Dob) xx/08/1971  |
| Pest control   |
| Temporary staff, banding and details of projects   |
| Insurance contract details   |
| list of subcontractors, suppliers and consultants involved in redevelopment of Beachlands, Hayling |

**Staff will also have to amend business processes to identify data protection issues and have a mechanism of deleting this information prior to publication.**

- 5. How will we ensure that Open data standards are embedded in new ICT contracts?** I have no idea, but again can see massive expenditure that is not in proportion to the gain.

Yours sincerely

Amanda Darge  
Information and Records Management Officer

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