

## Making Open Data Real: a public consultation

### General points

#### 1. Terminology

Definitions of 'Open Data' in the document are contradictory, especially in relation to whether or not it is available free for re-use. On p 5 in the glossary of key terms 'Open Data' is defined as *data available under the terms of the Open Government Licence*. The related footnote describes the OGL as *a simple set of terms and conditions to enable the free re-use of government and public sector information*. The definition of 'Open Data' however goes on to observe that *it may be that some data held in relation to public services is made 'available' but is charged for*. Paragraph 5.3 states that *we define Open Data to mean public datasets which are available free of charge for re-use under the Open Government Licence*. Either 'Open Data' is free to re-use or it's not. Alternatively give it another name which respects the difference between data being 'open' in the FOI sense of accessible to the public and data which is available for re-use free of charge. To include in the definition of 'Open Data' data where there may be a charge for use or re-use undermines the whole policy.

#### 2. Impact on devolved areas

The document is unclear and somewhat disingenuous about the impact which the policy would have on devolved areas. At §5.4 the consultation states: *In devolved areas of policy, it is for the devolved administrations to determine their own public service reforms and we will seek to work in partnership to share best practice*. In practice the situation in devolved areas is more nuanced than this would suggest. The precise impact on devolved administrations will depend on which policy and/or legislative levers are used to implement Open Data. For instance although Scottish public authorities are subject to separate Freedom of Information legislation, Crown bodies manage their data under the auspices of the OPSI Crown copyright regime. If the Open Data concepts were – for instance – to be further incorporated into policy on the management of Crown copyright then many Scottish public authorities would in practice be covered by them.

#### 3. Cross border data sharing

There are many cases where statistical data is shared between the UK nations in order to create a comprehensive dataset. For instance: *Health Expectancies at birth and age 65 in the United Kingdom*, [http://data.gov.uk/dataset/health\\_expectancies\\_at\\_birth\\_and\\_age\\_65\\_in\\_the\\_united\\_kingdom](http://data.gov.uk/dataset/health_expectancies_at_birth_and_age_65_in_the_united_kingdom). Care should be taken when implementing Open Data that such UK-wide collaboration is still possible and that joined up data from the constituent parts of the UK can be made available for users on the same terms and conditions.

Susan Corrigall  
Copyright Officer  
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