

Making Open Data Real: A Public Consultation Response from Cumbria County Council

Deadline for response
27 October 2011

Definition of Key Terms

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

The definitions are appropriate.

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

When deciding if a data set should be made open, the following criteria should be used:

- It can be published within the bounds of legislative requirements and exemptions
- There are no adverse security, public interest or personal injury consequences
- The data set can be anonymised and is still of value
- There is no commercial sensitivity
- The cost is proportionate for making the data set of suitable quality and the process of publication
- Is appropriate for the locality
- Must be accurate at the time of publishing"

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?

- All public services related data within the constraints of 2 above, should be published
- There should be a centrally mandated definition of reasonable processing time and a schedule of appropriate charges, but reasonable processing should be low i.e. 1-2 hours as the presumption is the required data will always be published. This should be no necessity to create datasets to service reasonable information requests
- If to be used for commercial purposes, any creation of data should be chargeable. This would not apply to datasets that have already been published."

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?

- There is a need to have transparency of the spend on all services funded by the public purse. This should include all providers who are delivering public services either directly by definition or indirectly through a contract whether they are for or non-profit making organisations.
- The need for transparency must be tempered by the tests described above and should not give competitive advantage for those who are not required to comply.

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

- It would seem appropriate to give the Information Commissioner extended authority to include the non-publication of a mandatory minimum dataset.
- An accreditation system would be one solution to encourage the publication of data, providing there are prescriptive minimum requirements for a publication scheme so it is possible for participating organisations to understand what is required.
- There should be sufficient clarity in the guidelines to define the format, criteria and responsibilities for publication where there may be an overlap of services between organisations."

Policy Challenges

An Enhanced Right to Data

1. How would we establish a stronger presumption in favour of publication than that which currently exists?

- Fines for breach of the Data Protection Act already exist; these could be extended to include non-publication of a minimum dataset.
- A stronger presumption on publication could potentially have a significant impact on public bodies affected by the proposals in terms of achieving the required culture shift. There should be recognition of these costs, the risk of diverting funding away from front line services and the magnitude of the change should be reflected in any timescales to achieve transition.

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?

The Information Commissioner already plays an important role in delivering compliance against the legislation in his remit. It is likely that extension of his

powers to include the right to data and right to access would be an effective mechanism of delivering compliance.

3. Are existing safeguards to protect personal data and privacy measures adequate to regulate the Open Data agenda?

If medical and education records are made available and included in the scope of these proposals, the current legislation would need to be reviewed. To ensure consistency, it is likely the Data Protection Act and Freedom of Information legislation would have to be updated concurrently with any new Open Data Legislation.

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?

- Making data more open has implications on ICT systems and also a change management process for all public officers. This will be resource intensive both financially and for officer training.
- There will be a transitional cost to achieving Open Data, but it may make public organisations more effective and efficient in the longer term.
- Obligations placed on the Public Sector to deliver the right to Open Data should not allow private sector organisations to use them for competitive advantage.
- To make it proportionate, the requirements must be given reasonable timescales for implementation and allowed some element of local choice, so the Public Sector can respond to the needs of its customers and not necessarily spend time producing datasets that have no local relevance.

5. How will we ensure that Open Data standards are embedded in new ICT contracts?

Interoperability and publication guidelines already exist and should be included in ICT contracts. Any new standards need enough time for implementation to allow existing contracts to expire and to be replaced by ones that conform. Some data sets may not be related to ICT and these also need time for transition.

Setting Open Data standards

1. What is the best way to achieve compliance on high and common standards to allow usability and interoperability?

A clear definition of the core datasets and the minimum interoperability standards would give Public Sector organisations the best opportunity to comply with any new requirements.

2. Is there a role for government to establish consistent standards for collecting user experience across public services?

There is a role for government to establish consistent standards, but it is felt they should not be mandatory in line with the restrictions detailed above. CIPFA (PSQG), and other government bodies already exist as examples.

3. Should we consider a scheme for accreditation of information intermediaries and if so how might that best work?

It is not thought necessary to implement an accreditation scheme. There would be concerns on how these intermediaries remain impartial and how would they add value to the process.

Corporate and personal responsibility

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.

As detailed in previous answers, it is thought a watchdog approach monitoring against defined standards would be the most effective. This could include the equivalent of a Caldecott guardian to ensure senior level ownership within public organisations.

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?

Precedent has already been set with the Caldecott approach and this has been proven to be successful.

3. Would we need to have a sanctions framework to enforce a right to data?

It is believed it would be appropriate for a sanctions framework along the lines of that already in place for the Information Commissioner.

4. What other sectors would benefit from having a dedicated Sector Transparency Board?

If a Sector Transparency Board is appropriate, to give equality of operation, it should not be the responsibility (or burden) on one sector, it has to apply to all, including the private sector. It could therefore cover banking, insurance and utilities.

Meaningful Open Data

1. How should public services make use of data inventories? What is the optimal way to develop and operate this?

Data inventories could be centrally defined so there is consistency and ease of navigation for the public, but need to have the opportunity to deliver data according to local needs. If data is published in a myriad of formats, it would potentially only be of use to those able to interpret and analyse. This would not necessarily increase transparency.

2. How should data be prioritised for inclusion in an inventory? How is value to be established?

The prioritisation of data will only affect the transition phase and is therefore bounded in its effect. The actual priorities are likely to be location and organisation specific.

3. In what areas would you expect government to collect and publish data routinely?

If data is open and is to a pre-defined inventory, the Office for National Statistics could have a role to play. If the ONS is also required to comply with Open Data, all datasets would be automatically published.

4. What data is collected 'unnecessarily'? How should these datasets be identified? Should collection be stopped?

It is believed it would be appropriate to set minimum standards and public bodies would publish additional information according to local demand, as required.

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?

In general terms, data is mis-information if it is of poor quality. Only accurate data should be published as low quality has little value and can be counter productive. This however needs to be proportionate and may require a publish then polish approach with appropriate caveats attached to the published data.

Government sets the example

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?

If existing data is also under the remit of Open Data, it will be published and will therefore be available for all to see.

2. What factors should inform prioritisation of datasets for publication, at national, local or sector level?

If all data is open, it does not need to be prioritised. This will only affect the transition phase and the implementation priorities. This will be location and organisation specific.

3. Which is more important: for government to prioritise publishing a broader set of data, or existing data at a more detailed level?

It is more important to define the broader set of data as retrospective improvement of existing data means it will be out of date by the time it is published.

Innovation with Open Data

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?

There is a role for government to stimulate innovation and to facilitate the sharing of best practice from across the Public Sector.