# Making Open Data Real: A Public Consultation

Submission by

David Holland 17 October 2011

*"Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated."*
United Nations Resolution 59 of 1946

*"Mike,*
*Can you delete any emails you may have had with Keith re AR4? Keith will do likewise. Can you also email Gene and get him to do the same? I don't have his new email address. We will be getting Caspar to do likewise.*

*Cheers*
*Phil"* Climategate email 2008

## Introduction

Data are a form of information for which there exists legislation which, if strengthened and fully enforced, would go a long way to making Open Data a reality without introducing any more red tape and quangos. I am making this submission because this important fact seems to have been overlooked.

The first quotation above shows that in their more rational moments the governments of the world recognised the overwhelming importance of freedom of information. The second shows that, in the management of our affairs and the achievement of goals, freedom of information can be perceived both as a burden and a distraction to employees of public authorities. It is, however, one that we dispense with at our peril.

Though a supporter of Resolution 59, it took the UK more than half a century to implement any freedom of information legislation. The Prime Minister of that time has since regretted it[1] and cited the greatly overused excuse for that

*"governments need to be able to debate and decide issues in confidence."*

Without freedom of information, it is long after the event, if ever, that we learn just what was decided behind closed doors. Of some things kept from the public, like the work of Station X, we are justifiably proud. Of others, like the Suez invasion deception, some of us are profoundly ashamed. After major debacles, like our MP's expense scandal or the far more expensive financial crisis, politicians wring their hands and call for more openness and transparency while still ignoring or resisting it in their own back yard.

Usually only a disaster, as in the financial crisis, or a leak of information, as with the MPs expenses, exposes the true basis of these confidential decisions. This brings me to the Climategate email, which I quoted at the start of this submission. It was the response of one leading climate scientist two days after my freedom of information enquiries into how a particular decision was made *"in confidence"* by him and his colleagues, who were all instructed by the UK's and other governments' members of the Intergovernmental Panel on Climate Change (IPCC),

[1] http://www.guardian.co.uk/politics/2011/sep/20/mixed-results-blairs-dangerous-act

> *"to assess on a comprehensive, objective, open and transparent basis the scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, [etc]"*
>
> Principles Governing IPCC Work[2]

## Climategate

The writer of the Climategate email was not alone, he was simply the one most clearly exposed by the leak. He was part of a social network of scientists, with a strong *omerta,* who believe that human emissions of carbon dioxide will lead to dangerous global warming and who also believe information requests are harassment. Others just resisted. One wrote to his information officer:

> *"I have made enquiries and found that both the Met Office/MOD and UEA are resisting the FOI requests made by Holland. The latter are very relevant to us as UK universities should speak with the same voice on this. I gather that they are using academic freedom as their reason. I have been given the name of the person who is dealing with this matter at UEA."*

My account[3] of what led to the infamous Climategate email and what was being covered up was submitted to the Independent Climate Change Email Review (ICCER). However, only a corruptly edited fraction of it - with essential evidence removed - was put to the University of East Anglia (UEA) and eventually surreptitiously published, embedded in a fabricated rebuttal, just before the ICCER Report.

Despite the international importance of Climategate and the strong urging by the Commons Science and Technology Committee, the ICCER operated in near secrecy, while claiming to be open and transparent. Nor was my complaint[4] to the Royal Society concerning the blatant tampering with my evidence by one of its members and the pre-emptive erasure, at the request of the ICCER, of all its correspondence held by a Scottish University.

What my experience suggests is that without an absolute commitment by this government to it, and a willingness to enforce the existing freedom of information legislation, your Open Data project will be another expensive flop.

In respect of climate change, far from the Climategate experience increasing this government's commitment to freedom of information and to the more demanding Aarhus Convention, it has done the exact reverse. In May of this year, as a direct response to freedom of information requests, the government approved an IPCC decision for confidentiality during the multistage assessment process, directly contradicting the long prescribed "Principle Governing IPCC Work", that it should be open and transparent. There was no prior public consultation or debate, as is required by the Aarhus Convention.

Asked by my MP if the government had voted for an IPCC decision to withhold all the drafts reviewers' comments and authors' responses until after the IPCC decision to accept the final IPCC Report, the Minister of State for Climate Change, gave the remarkable self-contradictory reply:[5]

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[2] http://www.ipcc.ch/pdf/ipcc-principles/ipcc-principles.pdf
[3] http://tinyurl.com/2656ppl
[4] http://tinyurl.com/6kttof6
[5] http://www.theyworkforyou.com/wrans/?id=2011-06-13a.58998.h&s=speaker%3A24841#g58998.q0

*"The decision on confidentiality at the 33rd session was agreed by consensus; a vote was not required.*

*The UK considers that this IPCC Decision is in line with current IPCC practices for reviewing emerging reports, which seek to balance the need for openness and transparency of the assessment process with the risks of undermining the review process, or misleading the public, by openly exposing draft reports prematurely.*

*Conscious of the value of further developing transparency and openness, the UK urged the panel to consider ways to widen expert comments in the development of reports. The panel agreed that this would be taken forward as part of the ongoing work of the Task Group on Processes and Procedures.*

Although it had never happened yet, if the IPCC were to publish everything after the decision was made to adopt the Report, it could be claimed to be a transparent process. It could never, however, claim to be an "open" process and nor could there be any effective public scrutiny of the decision-making process of the climate scientists who have been shown in Climategate to lack objectivity and integrity. Now officially the IPCC utterly fails the claims of openness made for it by one of its strongest and best-known supporters[6] and successive government ministers.

Not only does this recent confidentiality decision directly conflict the Principles Governing IPCC Work, but also it is contrary to the undertaking of the government made in the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention). In Article 3(7) parties undertook to promote the application of the principles of the Aarhus Convention within the IPCC.

As has occurred in the last three IPCC Reports, we can now be well assured in the next of highly controversial - if not downright mistaken - conclusions being globally promoted as the consensus decision of the world's scientists, in which the public have been excluded from any information on the assessment process until it is too late for public opinion and debate to have the effect envisaged by the Aarhus Convention.

For the forgoing reasons, I have added a further question to those in your consultation document and included a response based upon my unsatisfactory experiences.

# Additional question that should have been asked

## *Freedom of Information Legislation*

1. Could changes to the existing Freedom of Information legislation help to make Open Data a reality?

   Absolutely. There are serious shortcomings and at least one drafting error that need to be addressed. Moreover the issues that are exposed will almost certainly apply to any efforts to make Open Data a reality in those cases where the information is in any way controversial or perceived as disadvantageous to individuals or the goals of the public service concerned.

[6] Third feature referred to on page 6, http://www.rsc.org/ebooks/archive/free/BK9780854042807/BK9780854042807-00001.pdf

### 1.1 A Single United Kingdom Regime for disclosure of information

The most fundamental change that should be considered, if the government is to be seen to be serious about both Open Data and the reduction of red tape, is to upgrade the disclosure standards for all information in the Freedom of Information Act 2000 (the Act) to that of the of the Environmental Regulations 2004 (the EIR) and then repeal them.

The logic for this is compelling. It is absurd to consider that it is more imperative to disclose the most trivial environmental information than the most important non-environmental information. However, this is the case with the current Act and is even worse with the Scottish (FOISA) version of it. It is very much easier to refuse requests under the Act than under the EIR where there is a clear presumption in favour of disclosure and very few absolute exceptions. For this reason the EIR are often sidelined.

Environmental information is exempt from the Act under section 39, but when public authorities wrongly disclose the request under the Act few requesters, if any, complain. When any request for any information is refused under the Act, few requesters take their complaints beyond the public authority even if it is blatantly misclassified. Even fewer complain to the Information Tribunal and still fewer to the Court of Sessions in Scotland.

Until after Climategate, almost every request for information relating to climate change made to numerous public authorities was refused under the Act – in two cases of mine using the ministerial veto – but in almost every case that was referred to the Information Commissioner the requested information was disclosed under the EIR. Thus, while it appears from the statistics that the EIR, which is required by European Community law, is little used, its implementation via the Act and the broad definition of environmental information means that many requests are wrongly classified and refused.

In addition to its presumption of disclosure the EIR regime has mandatory requirement for proactive disclosure that would go a long way to achieving the objectives of Open Data if it was the only UK disclosure regime and if it was enforced. However, with the complete lack of any sanction against incorrect classification, public authorities ignore the mandatory EIR regulation 4 as well as the, effectively, voluntary section 19 of the Act. I have yet to find a publication scheme of any value to the public or any at all that comply with the EIR.

The existence of 4 regimes – Scotland has its own versions, in which the paragraphs are rearranged – is a nonsense and consolidation of them in to a single UK Act would save confusion and expense as well greatly contributing to the achievement of a culture of openness and transparency.

Moreover, the FOISA includes a notorious clause which academics are currently lobbying[7] to have incorporated into the Act. FOISA section 27(2) allows public authorities to delay the disclosure of any information they hold as a result of a research programme that might undermine the publication of that research programme at a later date, even if there is no intention of publishing with it that information which they refuse to disclose.

[7] http://www.ucl.ac.uk/constitution-unit/research/foi/foi-universities

There may well be some good reasons for applying FOISA section 27(2) but the danger is that it can be used to delay a disclosure, which shows a research programme to be fundamentally flawed, until long after public policy has been determined based upon it. FOISA section 27(2) is a powerful inducement for Scottish public authorities to ignore the EIR with its presumption of disclosure and its wide definition[8] of environmental information. For environmental research programmes FOISA section 27(2) can not be used.

In addition the expensive, non-digital and complex regime for appealing decisions against the Scottish Information Commissioner's decisions to the Court of Sessions effectively precludes the public from fully exercising their rights under UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention).

### 1.2 The offence of blocking information disclosure

Section 77 of the Act and regulation 19 of the EIR have identical wording:

> *"Where-*
>
> *(a) a request for environmental information has been made to a Scottish public authority under regulation 5; and*
>
> *(b) the applicant would have been entitled to that information in accordance with that regulation,*
>
> *any person to whom this paragraph applies who alters, defaces, blocks, erases, destroys or conceals any record held by the Scottish public authority, with the intention of preventing the disclosure by that authority of all, or any part, of the information to which the applicant would have been entitled, is guilty of an offence."*

There are, however, two problems. Firstly, the 6 month time limit under section127(1) of the Magistrates Court Act 1980 means that to date no one has been prosecuted, as it can take longer than that for the applicant to learn that his information was erased in order to prevent its disclosure. The time limit obviously needs to relate to the time of its discovery rather than to the offence. However, and more fundamentally, the Climategate affair revealed compelling evidence that some employees of public services will deliberately delete important information produced at public expense in order to prevent its future disclosure and the exposure of their wrongdoing.

A disturbing fact is that section 77 of the Act and regulation 19 of the EIR are believed by the Information Commissioners to relate only to deliberate acts to prevent disclosure *after* a request is made. If the words are read properly and the Aarhus Convention is taken into account, this is wrong. It is a serious issue for Open Data that needs resolving.

Nothing in the text of the legislation shown above implicitly states that the offence can only be committed after a request, but it could easily have been so drafted if intended. Had the word *"subsequently"* been added after the word *"who"*, and the word *"was"* used to replace the phrase *"would have been"*, an offence could only occur after a request.

[8] http://www.ico.gov.uk/for_organisations/guidance_index/%7E/media/documents/library/Environmental_info_reg/Introductory/EIR_WHAT_IS_ENVIRONMENTAL_INFORMATION.ashx

Public authorities would indeed then be legally entitled to delete any information specifically to prevent it being made public even if they would have normally retained it. However, the EIR has to be consistent with the Aarhus Convention, and under Article 5(1)(a) of it, the UK government undertook to

> *"ensure that public authorities possess and update environmental information which is relevant to their functions"*.

Accordingly, unless regulation 19 does apply to pre-emptive erasure of relevant environmental information undertaken deliberately to prevent subsequent disclosure, the UK government is in breach of its treaty obligations. Also natural justice generally requires that pre-emptive actions undertaken deliberately to avoid the known consequences of existing law must be unlawful.

The ICCER that looked into Climategate, at a public cost of some £300,000, was largely undertaken by a public authority in Scotland that held copies of all the ICCER's correspondence. Just six days after the ICCER published its Report, it procured the erasure of all the ICCER correspondence at the public authority. This was well before controversial evidence it published at the same time came to public attention and before the Commons Select Committee on Science and Technology held its second hearing on Climategate, at which assurances given to MPs subsequently were shown to be untrue.

As the ICCER, which is not a public authority, has since refused to disclose its copies, it can only be assumed that the deletion at the public authority was to deliberately prevent subsequent disclosure. However, the Scottish Information Commissioner found[9] no breach of the Scottish Act or EISR and the Scottish Appeal process has made a challenge by a private citizen impractical.

### 1.3 For the purposes of Journalism, Art or Literature

The BBC and Channel 4 have an exemption under the Act for information relating to *"journalism, art or literature"*, which *prima facie* might look reasonable or they might have to disclose large amounts of their programme libraries. If such a request was manifestly unreasonable, that ought to be the only exemption they would need to rely upon and the EIR provides for it. However, the broadcasters have succeeded in sustaining a very broad interpretation of the phrase that enables them, for instance, to withhold important information relating to internal considerations of impartiality which ought to made public and for which disclosure is not manifestly unreasonable.

Even worse is that the sloppy drafting of EIR regulation 2(2)(b)(i) has enabled both the BBC and Channel 4 to sustain the claim that they are not subject to the EIR and thereby avoid other important disclosures relating to climate change. So long as this loophole remains, the UK is in breach of its treaty and Community Directive obligations.

### 1.4 Personal Information

[9] http://www.itspublicknowledge.info/UploadedFiles/Decision176-2011.pdf

The exemptions, and exceptions relating personal information, are routinely used to avoid proper disclosure. While a person's address might generally be thought to be sensitive information, as we found in the case of our MP's, it was fundamentally important as to whether they were defrauding the public. Many public authorities routinely refuse to disclose the names of professionals associated with information that they do release, which in some cases was critical to the purpose of the request.

A different issue is that many employees volunteer to serve on enquiries or assessments such as those of the IPCC, with the consent of their public authority employers and without any expense to themselves or loss of pay or benefits. A number of public authorities claim that the information that they hold as a result is actually the personal information of the employees[10] in an attempt to avoid disclosure of information created at public expense.

### 1.5 Delay and Obfuscation

In some circumstances, disclosure delayed is, in effect, disclosure denied as the opportunity for the requester to make use of it may be limited in time and consequential policy decisions may be made that can not be reversed. In controversial matters it is becoming routine for public authorities to delay and obfuscate. The DCA codes of practice encourage public authorities to treat any sign of dissatisfaction as a request for an internal review. This means that deliberately misconstruing a request reduces the two stage decision process to a single stage which generally fails to disclose what is requested.

In a recent case, where a perfectly understandable request was made for information, which the Scottish public authority knew at the time it held, it invited me to clarify this request to mean just a subset of the original scope of my request. The public authority failed to mention that it knew that, under the scope it was suggesting, the information had been pre-emptively erased. What the public authority did hold of my original scope was not disclosed, nor was its decision properly reviewed.

A recent growing trend with controversial information is to release it in inconvenient formats. In particular, information held in character form is sometimes converted to image form in protected pdf files.

### 1.6 Rank

In cases where controversial or embarrassing information should be disclosed, it must be remembered that the individuals responsible for applying the Act and the EIR are usually far lower in seniority within the organisation. In one request that I made, a very senior individual simply denied holding the information requested and refused to allow the individual responsible for conformance with the Act and the EIR the opportunity to examine his files. After two years and an investigation[11] by the Information Commissioner, it transpired that the information was held and it was disclosed. In the case of the Scottish public authority

[10] http://www.dailymail.co.uk/news/article-1249035/How-Met-Office-blocked-questions-mans-role-hockey-stick-climate-row.html

[11] http://www.ico.gov.uk/tools_and_resources/decision_notices/~/media/documents/decisionnotices/2010/fer_0239225.ashx

deleting the ICCER records that I subsequently requested, it was done at the request of members of the Royal Society of Scotland.

# Original questions for consultation

## *Glossary of key terms*

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

The importance of "metadata" in the sense of essential data about the data should be recognised. One of the long running disputes that may have led to "Climategate" was over the raw data that went into "CRUTEM", the primary dataset of average global temperatures used by the IPCC and upon which global emissions policy is based.

Data and datasets are a subclass of information, which is what most requesters are actually seeking. Clearly in the case of raw data the requesters may have their own analysis of it to create usable information, and for this metadata are as important as the data itself. In the case of CRUTEM much of the raw data were available but that part used in CRUTEM not fully identified, making it impossible to independently validate the dataset in respect of the claimed adjustments made to allow for known problems.

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

In the first instance the public service should make the decision. The first Information Commissioner, Richard Thomas, gave a simple answer to this question to the Commons Science and Technology Committee[12]:

> *"I often use what I call the Crown Jewels approach. Public authorities ought to decide what really has to be kept away from the public. If it is particularly sensitive or there is a good reason for withholding it, fair enough, but where there is no good reason for withholding information, then why not proactively disclose it and avoid the hassle of large numbers of requests?"*

In essence, public authorities need to decide what information they could lawfully refuse to disclose to any requester and class everything else as "available" for disclosure. For practical reasons, they may need to prioritise proactive disclosure and some judgement will have to made based upon the importance of, and the likely interest in, the dataset. To begin with, all but the most obscure information that they release to requesters under the Act or the EIR should be published.

In the area of climate change research that I have been studying, there is a practice on the part of some researchers to keep private datasets within their "social network". Datasets are traded either for different ones, or for being named as co-author on published papers using them. One particular dataset known as "Yamal"[13] was kept private for a decade, even though it was used in several papers cited by the IPCC. Had it been fully published

[12] Q70, http://www.publications.parliament.uk/pa/cm200910/cmselect/cmsctech/387/387ii.pdf
[13] http://www.guardian.co.uk/environment/2010/feb/09/yamal-climate-tree-ring-data-withheld?INTCMP=ILCNETTXT3487

with all its metadata when it was first used in a published paper, it could have had a significant effect on palaeoclimatology.

Many public service scientists[14] believe they should have exclusivity for some period of time on datasets they have assembled, and there is some legitimacy in this, but it has to be balanced against the public interest.

3. If the costs to publish or release data are not judged to represent value for money, to what extent should the requester be required to pay for public services data, and under what circumstances?

It is my understanding that in countries such as Australia, where the public are charged for freedom of information requests, they make far fewer requests than in the UK.

In the UK, where the requester would presumably be entitled to ask for the data under the Act or the EIR, the "appropriate limit" would apply – currently £600. Public services can refuse to disclose data if the cost exceeded this and could seek a contribution for the excess.

Clearly, any contribution will be a disincentive to members of the public and possibly to the press whose interests are often to hold government to account rather than to profit from it. However the public services would, in my view, be justified in trying to recover the costs from a commercial requester who expects to profit from it.

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?

Clearly those bodies listed in Schedule 1 of the Act should be included as they are already legally required to disclose general information on request and to proactively disseminate environmental information by easily accessible electronic means.

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

The EIR and the Aarhus Convention from which it descends are existing legally enforceable mechanisms that should be fully assessed before considering any new ones. The near zero compliance with the EIR's requirement of proactive electronic publication by all public authorities should give you pause for thought. Compliance is a significant burden which will not be undertaken with clear enforcement procedures. There are at present no penalties for non-conformance with EIR regulation 4

As for encouraging publication, the Public Data Corporation being considered may be the answer to the practical and infrastructure problems of maintaining a growing library of data sets and information in its more general sense.

## *An Enhanced Right to Data*

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

[14] http://www.guardian.co.uk/environment/2010/may/11/climate-science-tree-ring-data

The most simple and easiest to implement step to establish a stronger presumption in favour is, as already suggested, to upgrade the Act to give the same presumption and limited exceptions for any information to the same standard as environmental information under the EIR.

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?

Yes, but enhanced powers and sanctions are essential in any case

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

The statutory safeguards are adequate but expensive to operate because public service employees do not take sufficient care to keep their personal data and that of others out of their records. Codes of practice within public services may need strengthening to ensure that sensitive personal data is routinely stripped from incoming correspondences before it is put into any general archive.

At present a considerable amount of effort goes into stripping personal data from information that has to be released under the Act and the EIR. Some of this work is unnecessary and designed to limit what should rightly be disclosed, while other genuine pieces of sensitive personal information are allowed to slip through.

Some individuals in some public services have developed the idea that their professional communications – all paid for from the public purse – are private and not liable to examination by their employers, who are the public. This idea is rarely shared by employees in the private sector, who know that their employers have every right to examine the work they are paying for and to monitor their communications related to the business.

The abuse of privacy was publicly demonstrated by the Climategate release of emails between scientists, who were charged with investigating what many believe to be the most important environmental problem that we face today. These emails contain considerable personal information as well as very unprofessional language and suggestions, which the writers should have been strongly advised to refrain from by their supervisors. Taken as whole, the Climatgate emails are the clearest demonstration that the concept of “private thinking space”, as embodied in section 36(2)(b) of the Act, is widely used to cover up thoroughly unprofessional and, in some cases, dishonest behaviour.

The public, who pay for it all, have every right to inspect the work related communications of public service employees, who need to be educated on the need to keep their emails and phone conversations professional and to work on the basis that they will all be recorded and may all be made public.

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?

The cost implications are very significant. However, open government cannot become a reality without Open Data and Information. If, as I have suggested, the Act and Regulations were merged into one, the move to Open Data could be led by public demand, rather than publishing data and information for which there have been no requests.

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

Standards in this matter are very important, but I am aware that this is a controversial area in which I have little current knowledge. I do feel, however, that governments are not best placed to influence global standards and should concentrate on getting right the legislative framework for Open Data.

## *Setting Open Data standards*

For the reasons stated in my last answer I do not feel I can respond usefully on this section.

## *Corporate and personal responsibility*

The Government would welcome views on the following:

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.

There is no alternative that I can think of other than enforcement and sanctions. If one thinks of the many cultural changes that have occurred in the private sector, or indeed in the public as a whole, it is hard to think of any that were not strongly assisted by legislation.

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 are properly protected and that privacy issues are met?

Clearly Board level commitment is essential, but it is enforcement and sanctions that concentrate the minds. I believe the issue of personal information is better understood now and enforcement action has reduced the number of gross violations. Unless for workload reasons, I do not see personal data protection as needing a specific Board level post.

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

Absolutely, and we do have one. It just needs toughening.

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

In the long run I believe transparency in the private sector is as important as the public sector.

## *Meaningful Open Data*

The Government would welcome views on the following:

On the first four questions I do not have enough personal knowledge to make any comment.

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?

None

## *Government sets the example*

The Government would welcome views on the following:

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?

Departmental portals

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

By their relative importance. DECC, for instance should promptly publish as a matter of course all it communications with the IPCC secretariat, rather than wait until the IPCC secretariat publishes just what it chooses to.

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

Generally, a broader set.

## *Innovation with Open Data*

The Government would welcome views on the following:

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?

I am not sure there is a direct role. By supporting and strengthening the Internet and the culture of openness and transparency, the government will enable the public and all sectors to take advantage of Open Data and will find innovative and creative ways of using it for the public good. There will, of course, be some that will be innovative for less noble reasons and some thought should be given to that.