



Consultation Response

Response to the consultation entitled 'Making Open Data Real' from the Chief Fire Officers' Association

The Chief Fire Officers' Association (CFOA)

CFOA is the professional voice of the UK fire and rescue service, supporting its members to fulfil their leadership role in protecting our local communities and making life safer through improved service delivery. CFOA provides professional advice to inform government policy and is committed to developing both strategic and technical guidance and sharing notable practice within the wider FRS.

Membership of the Association comprises almost all the senior management of fire and rescue services in the United Kingdom. CFOA is the driving force in managing change and implementing reforms in the service.

Detailed below are our responses to this consultation.

CFOA is committed to transparency and open government where the value of open data is legitimate and outweighs any burden, including costs to that organisation.

Questions

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

Generally, yes. To support those definitions CFOA suggests that practical examples are provided.

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

Legal considerations

It is important that no personal data is published unless consent has been provided. The data protection act therefore needs to be adhered to. In addition to this, consideration should be taken regarding the Freedom of Information act, whereby data may not be published due to an absolute or non absolute exemption having to be applied. An example here could be commercially sensitive data. There will be other legislation that should also be considered.

Value of Publication outweighs the cost

Its important that anything published is of value to the public and does not put an undue burden on the organisation. In essence, the value of publication should always outweigh the costs and there should always be a clear need by the community that this is useful data.

Risk/ Information Security

Before information is published, consideration should be given to any “risks” or breaches in information security that could result in that publication.

Storage and Maintenance

If a dataset is going to be published then its likely that the dataset will be updated from time to time. It therefore will need to be “maintained” through clear version control and updated accordingly. Due to the data coming from back office systems, time, cost and effort maintaining and publishing these datasets on a frequent basis needs to be considered. Clearly these will be data extracts from back office systems, so over a period of time storage capacity may have to be another consideration.

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.

CFOA suggest that you follow the guidance as set out by the Freedom of Information Act and other appropriate legislation. If its clear that the requestor is seeking this information for commercial benefit, then some nominal offering should be made to cover these costs. The public sector reuse of information also needs to be considered here if payment is deemed appropriate.

4. How do we get the right balance in relation to the range of organisations our policy applies to?

CFOA suggests a review of existing legislation under the Local Government Act which cites most appropriate bodies. Consideration should be given to third parties too, such as where a service has been outsourced or undertaken by the third sector.

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

Its important that it is clear that there is a need to publish such data and that in publishing that information it supports that organisation. It should in theory also reduce Freedom of Information Requests. It is important that this is considered in line with existing legislation which may mandate publication.

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

Its important to demonstrate value for money and that there is a legitimate high demand from the public for such data sets. Generally, publication of just data does not provide answers to requests for information under the Freedom of Information act, so overall publication of data sets may not have any impact upon the number of requests. If the data was presented via a geographical information system paid for by the government, where location (addressable) data could be uploaded, then that may establish a more favourable outcome. Clearly with reducing budgets any financial assistance through pilot sites maybe advantageous.

7. Is providing an independent body, such as the ICO, with enhanced powers and scope the most effective option for safeguarding a right to access and a right to data?

Given the role of the ICO, CFOA suggests that it would more than likely seem appropriate. ICO has a good understanding of the legislation, and as such this would make more sense, rather than establishing another body.

8. Are existing safeguards to protect personal data and privacy measures adequate to regulate the open data agenda?

There is a risk that through the concept of “linked” data, that it may become possible to identify a living individual due to other data sets being available to them. CFAO believes that care needs to be taken through the development of “linked” datasets otherwise there is risk privacy/ DP Act is breached.

9. 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?

Overall, there is a risk that this becomes burdensome as a number of systems which hold the source data are not set up in a way that enables the data to be exported easily. This therefore increases costs. CFAO suggests that you consult with system providers in each sector, including Fire and Rescue. Funding should be made available if there are significant system changes required.

10. How will we ensure that open data standards are embedded in new ICT contracts?

CFAO suggests that you discuss with SOCITM and other groups such as INTELLECT who represent suppliers.

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

CFAO recommends that you discuss this with the Local e-Government Standards Body (LeGSB). Its mission is to promote eStandards that support Efficiency, Transformation, and Transparency of Local Services. LeGSB is currently funded from the Cabinet Office, Department for Communities and Local Government, and the DWP. The Chair is from the Fire and Rescue Service and other key stakeholders (Central and Local Govt, Health, ICO, Socitim, Intellect) are members.

CFAO would consider making standards attractive by demonstrating the value. For example, better intelligence, better quality data, less time spent on having to revisit poorly defined data etc. The LLPG and future NAG would be a good area to review.

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

CFAO suggest that this is discussed with the Local Government Group, especially around performance and satisfaction data. It is important that the sector itself can self regulate as outlined by the government.

13. Should we consider a scheme for accreditation of information intermediaries, and if so how might this work?

The question is unclear, but if this refers to some form of test that the data set meets standards, in a similar way as a schema then that would be beneficial as long as it was not a costly bureaucratic process.

14. 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?

It is important that there is a level of self regulation by that sector, whether that be fire and rescue services, health etc. The sector itself should be able to pull together what it believes should be achievable around open data, which also respects privacy and security. Clearly this has benefits

as the sector itself will understand through its use of systems and data collection what can be delivered effectively and efficiently.

15. 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?

If this question is asking, should someone within an organisation be responsible for open data, CFA would suggest that the data controller (generally Chief Exec) and Senior Information Risk Owners (SIRO) (generally senior officer with info security background) are the key officers who generally already exist at board level.

16. Would we need to have a sanction framework to enforce a right to data?

No, The Freedom of Information Act covers this.

17. What other sector would benefit from having a dedicated sector transparency board?

No response

18. How should Government approach the release of existing data for policy and research purposes?

Through a central portal. Maybe an extension to the LGG knowledge Hub.

19. What factors should inform prioritisation of datasets for publication?

Their value, demand by the public to have such datasets. Datasets which inform decision making, and importantly data sets which are fit for purpose and of good quality.

20. Which is more important for Government to prioritise publishing a broader set of data or existing data at a more detailed level?

It more than likely is a mixture of both, so the data sets that have shown to be of value should be more detailed; those data sets which currently are not available but there is a belief are of value should be published, subject to info security, privacy.

21. Is there a role for government to stimulate innovation in the use of open data. If so what is the best way?

It would be useful to have some pathfinders across a number of sectors including fire and rescue. These would be funded by central government.