

Making Open Data Real: A Public Consultation

Comments from the National Measurement Office

General

NMO is a small Executive Agency of the Department of Business, Innovation and Skills. It is unusual in two respects. First, although it is a small agency (73 staff) it has a complex range of functions. One result of this is that it at times proves difficult to anonymise personal data when one dataset is combined with another which is already in the public domain. Second, in a number of areas NMO carries out commercial work or other activities in a competitive environment. Not only is it important, therefore, that NMO is able to withhold commercially sensitive data which is controlled by confidentiality clauses entered into with others, but there is also a need sometimes to ensure that NMO is not placed at a competitive disadvantage by publishing information that its competitors do not have to provide.

In developing policy in this area we believe it is important to make a distinction between Transparency (which we interpret to mean the obligation to make information available in a useful form, either proactively or in response to specific requests) and Open Data (which we interpret as being the removing restrictions on, and indeed facilitating, the re-use of data once it has been made available). We have no significant reservations about the approach to Open Data set out in the document, since we do not currently impose restrictions on the re-use of any information we currently make available. We do, however, believe that in the case of some of the questions posed we should draw attention to the difficulties for (i) small organisations and (ii) organisations operating in a competitive environment.

P6

Questions for consultation

The Government would welcome views on the following:

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

We believe the definitions themselves are appropriate, though we note they seem to have been developed primarily with Open Data considerations in mind, rather than Transparency purposes.

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

As noted above, there can be difficulties for small organisations in anonymising personal data when one dataset is combined with another which is already in the public domain. In addition it is important that NMO is able to withhold commercially sensitive data which is controlled by confidentiality clauses. NMO negotiates contracts on behalf of government and these are commercially sensitive during the negotiation and in some cases after the contract is awarded. Finally, there are occasions when publishing certain information could place an organisation like NMO at a commercial disadvantage when operating in competition with others who would not be required to make such information available; we believe this should also be recognised as commercially sensitive.

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?

Under FOI, NMO has never been requested for such a large amount of information that a charge would be needed. We doubt in our area, should the arrangements suggested involve releasing data in a way that would require a charge, whether the public would be interested in it anyway.

NMO has followed government policy and installed an Electronic Document and Record Management (EDRM) system to contain its datasets. We suspect that automatically linking the EDRM system to a system that the public will use to extract data would be technically difficult and expensive.

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?

NMO has published most data that our customers (mainly businesses and the local authority enforcement community) require on the internet. We do not interact with the public to any great extent as the local authority enforcement community tends to be the first port of call for the public requesting information.

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

The arrangements under FOI have proved satisfactory for NMO and very little information has ever been refused. NMO has tended to react to requirements from its customers and complies with government guidance wherever possible.

P25

Questions for consultation

The Government would welcome views on the following:

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

No comment

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?

We believe so

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

See earlier note about small size of organisation and difficulty in anonymising datasets.

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?

As a small organization with a wide range of activities, some of them provided on a commercial basis, it can be relatively resource-intensive to provide information that a larger public body might be structured to provide. We therefore believe there should be a test of reasonableness with opt-out capability if the information produced is not being used. The number of hits on each internet page could be a measure of whether the information is valuable.

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

No comment

P28

Questions for consultation

The Government would welcome views on the following:

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

The best practice followed in “normal” standards-setting machinery should be followed – in particular involvement of appropriate experts from both the producer and user communities.

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

Yes – not least to ensure that different types of user experience are catered for (eg public services where businesses rather than individuals are the main customers)

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

No comments

P30

Questions for consultation

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.

The normal processes for imposing requirements on public bodies (eg instructions from Cabinet Office) should in most cases be sufficient – certainly that has proved to be the case for bodies such as NMO which operates within a Civil Service context. Any such requirements should themselves follow the cost-benefit justification which would be expected under Better Regulation principles.

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?

In NMO’s case the Senior Information Risk Officer is already a member of our Management Board. The SIRO already deals with personal data and privacy questions and we see no difficulty with that.

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

We do not believe this is necessary, at least for bodies operating within the Civil Service.

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

No comment

P31

Questions for consultation

The Government would welcome views on the following:

1. How should public services make use of data inventories? What is the optimal way to develop and operate this?
2. How should data be prioritised for inclusion in an inventory? How is value to be established?
3. In what areas would you expect government to collect and publish data routinely?
4. What data is collected 'unnecessarily'? How should these datasets be identified? Should collection be stopped?
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?

No comments

P33

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?
2. What factors should inform prioritisation of datasets for publication, at national, local or sector level?
3. Which is more important: for government to prioritise publishing a broader set of data, or existing data at a more detailed level?

No comments