

Making Open Data Real: A Public Consultation

Blackpool Council Response

This document summarises Blackpool Council's response to the Making Open Data Real consultation.

Is it relatively easy to extract the dataset from an ICT system or would it require costly or time-consuming processes?

GLOSSARY OF TERMS

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

For information related legislation i.e. Freedom of Information, Data Protection Act, Environmental Information Requests, Reuse of Public Sector Information regulations etc, then yes, the key terms do go far enough as further codes and definitions will be defined within the text.

However, further clarity is needed on the term 'data' – does this refer to quantitative data only or does it also encompass qualitative data? Does it also cover the publication of underlying data?

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

Potentially a test similar to the Freedom of Information Public Interest Test could be used which basically asks whether publishing the data is in the public interest or not. However, whether something is in the public interest is always based on the judgment of an individual or small panel that may not be in receipt of all the background factors so there is always some level of risk in taking this approach.

Key tests should include:

- Whether a dataset contains commercially sensitive or confidential data and if so, whether this is time limited?
- Whether the dataset contains personal data and can it be redacted without rendering the dataset meaningless?
- Whether other legislation currently on the Statute Books prohibits disclosure of the data – if so is this likely to be amended?

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?

Outside of the Open Licence already in existence, extending the Fees Regulations for Freedom of Information and the Data Protection Act would seem to be the most appropriate route. This would keep all regimes inline with each other rather than introducing regulations which can lead to confusion for both organisations and their staff, and the public.

Consideration would need to be made to the costs of extracting datasets if enhancements to existing systems are required. How would these enhancements be funded if not recharged to the requestor? Considering that some system enhancements by suppliers can be extremely costly, how do we determine the limit or cap on costs that can be charged to the requestor?

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?

The same organisations which are defined as public authorities under Freedom of Information and Environmental Information Regulations should be subject to the Open Data policy. Again, this will avoid any confusion between the different regimes.

However, consideration should be given to what the public would consider to be a public service as this may differ from those that are covered by the legislation mentioned above.

Making Open Data Real: A Public Consultation

Blackpool Council Response

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

In the current climate of diminishing public resources, it may be necessary to legislate to enforce rather than encourage the publication of data. Recently there has been a reduction in the prioritisation of dealing with information requests as resources have been reduced and there are many conflicting priorities for those resources. Is there a widespread “will” to undertake what could initially be perceived as unnecessary bureaucracy? It may take a few smaller, local or sector specific examples to provide evidence of how proactively publishing data can reduce resource demands and cost in dealing with information requests.

The use of a central mechanism for the coordination of data into a common source location could encourage greater publication. For example, the Local Government Group’s LG Inform system can be used as a central place for local authorities to upload data which could then be published in a common format via www.data.gov.uk. A mechanism such as this would drive public authorities towards more openness.

AN ENHANCED RIGHT TO DATA

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

This presumption needs to be embedded within the culture of organisations partnered with the removal of some of the existing barriers to publication such as conflicting legislation and higher costs of enhancements to ICT from suppliers, perhaps through assistance with contract negotiation/guidelines. Some other suggestions would include:

- Timeframes for publication of data would need to be more manageable i.e. quarterly rather than monthly;

There needs to be agreement on the level of detail required from published data; and

- Simple formats to enable publication of data from a range of ICT systems.

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

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

Yes but how does this sit with the possibility of expansion of Government Connect restrictions to other data sources, organisations and government departments?

Government may want to consider how greater flexibility in the sharing of personal data (by altering legislation/changing culture) can enhance the aims of 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?

There is potential to initially increase the burden on resources substantially, but as newer or replacement ICT systems are introduced, the implications should decrease as the knowledge of the publication requirements should be designed in to any new systems before implementation.

We would envisage more resources being required for challenges or Internal Reviews (for information requests), but it may encourage public authorities to review what data it holds, why and for how long, which

Making Open Data Real: A Public Consultation Blackpool Council Response

in time may reduce the burden. Clearly communicated guidelines on what can be challenged and when would also be needed.

However, before the publication of data can begin, organisations need to establish what data potential users and the public want to see and what needs to be done to add context to this data so that it is meaningful. Both these activities will add to the resource implications of a right to data.

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

Ensure that there are clear guidelines on the requirements (such as formats) available to both public authorities and companies, and that these are also embedded into any OJEU/OGC/other tender regimes and templates.

SETTING OPEN DATA STANDARDS

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

A phased but time limited introduction of standards would be needed. This approach was taken for the introduction of NLPG standards. Most ICT systems have a 5-6 year 'life' as does most hardware and this should be considered for a phased approach.

Clear guidelines on formats (both file types and data fields) should be published and there needs to be some form of monitoring of compliance.

Clarity is needed on what the expectations are around public authorities achieving the star ratings against the Five Star Rating for Open Data. Will public authorities be expected to show incremental improvements in their star ratings? Or will it be acceptable for public authorities to achieve a certain rating and focus their efforts on maintaining that rating rather than improving it?

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

Yes there is a role for Government otherwise each public authority or sector will devise their own standards and this will not encourage interoperability.

In terms of ICT, the timeframes mentioned in Question 1 above need to be considered for the introduction of such standards.

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

Would this accreditation scheme be for an organisation or an individual? Would this scheme be on a national or local level? For consistency across different areas, it would make sense for the scheme to be on a national level.

The Information Commissioner's Office has spoken about introducing a requirement to have a qualified FOI/DPA officer. Would this be an extension of that thinking?

CORPORATE & 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?

This is a very difficult question to answer as, based on current experience, there doesn't appear to be a commitment to the existing regimes. Does the Caldicott model work in practice? Does it introduce barriers in some instances that make the process longer, more resource intensive?

Would the commitment to Open Data in decision making be reliant on a person or is there an expectation that some form of automated decisions

Making Open Data Real: A Public Consultation Blackpool Council Response

...could be made based on criteria combination – something which would require additional inclusion in Data Protection Act privacy notices as an individual has rights in respect of automated decisions.

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?

Personal responsibility at Board level would be too far removed from the day-to-day processes that ensure effective data handling. Whilst there needs to be a level where the final responsibility for the organisation sits, responsibility needs to be built in at other levels as well. As more cases of poor data protection are highlighted in the media, perhaps the culture may change, but it could change negatively to a more cautious approach rather than one of openness.

Should the same person be responsible? No. Protecting data and ensuring privacy issues are met is the responsibility of all, from ICT in terms of technological security to services handling data on a daily basis in its many forms.

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

Yes, based on the experience noted above.

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

Those sectors listed in the Prime Minister's letter appear to correlate with the bulk of information requests received which gives an indication of what the public want to know. It may also encourage more partnership working and shared ICT services.

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 would help to identify what data is held, what data should be held and for how long, and would tie in with a published retention schedule. This would in turn, lead to more effective and efficient record keeping and storage requirements (both electronic and physical). It would also be beneficial for performance and research activities.

Good information management and reviews should help to establish data inventories. Again, sites such as www.data.gov.uk could be utilised to make data inventories available to users; keeping them informed of what data is available and what they can expect to be published.

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

Prioritising what data is included will be dependant on each public authority's strategic direction; however it is possible to identify where the duty is most relevant and prioritise data based on this, for example publishing social care data for the choice agenda. Data on performance and value for money must also be top priorities.

Timescales for inclusion will be key. Will organisations publish what data they can do quickly or will they commit to publishing the more difficult/complex/time consuming data?

The value of publishing data can only really be determined by the level of use and how meaningful it is to users. This may include the public authority as a user.

Making Open Data Real: A Public Consultation Blackpool Council Response

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

Based on existing and typical information requests:

- Financial data i.e. contracts, salaries, budgets, spending over £500;
- Health and social wellbeing data;
- Performance data where it aids improvement or assists in the decision making process; and
- The decision making process itself.

A number of these areas already have processes in place which enable the extraction and publication of data in simple formats (e.g. CSV files).

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

Unless a proven use/need can be established, it would make sense to cease collection. This would free up resources for the publication of identified, meaningful datasets.

However, this could be a costly and time consuming exercise to undertake. The Single Data List has reviewed the collection of datasets by Central Government from local authorities but what about other public authorities? Data that is collected for internal purposes only would also need to be reviewed.

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?

Yes, the government should always release data of high quality. The six quality dimensions as defined by the Audit Commission (accuracy, validity, reliability, timeliness, relevance and completeness) would form a good basis for defining quality and these dimensions are already enshrined within current information

regimes. The use of metadata standards (Government preferably but industry if more appropriate) would also assist in publication of data.

There is a debate about publishing raw datasets now and correcting later, but in practical terms, revisiting datasets is less likely to happen once they have been published due to resource limitations. Polishing data by electronic means and data matching would require a reasonable ICT resource initially, both in terms of storage capacity and systems enhancements or developments. However, the initial resource-intensive approach required at the start, may lead to better information management and recording of better quality data when obtained, which will in the longer term, lead to less resources required to quality check/polish data.

There should also be an onus on public authorities to provide an interpretation of the data they are publishing for those who are unwilling or unable to engage with the raw data to ensure that an accurate understanding of the information is available to all.

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?

From an ICT perspective, one central portal utilising the same formats, transfer/upload routes etc would be preferable. Using individual department portals is not future-proof when reorganisations take place, and users are less likely to know what data may be held by particular departments as their titles do not always reflect the full range of services.

The publication of data through a central portal could also drive achievement against the Five Star Rating for Open Data.

Making Open Data Real: A Public Consultation

Blackpool Council Response

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

It comes back to the question of what do the users/public want. Based on experience, the public tend to ask questions or request information that is based on local issues/matters and there are few requests that focus on one sector or topic across the country.

The focus on publishing local data would enable ICT to be more bespoke and responsive to the demands of the local community. However, the need for more bespoke ICT solutions could lead to greater costs.

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

As a broad dataset approach is already in place, this would make publishing more at a broad level easier and encourage the start of the process and culture change needed. More ICT and resources would be required to publish a more detailed level of data.

Using the broad datasets as a starting point, detail can always be obtained using existing regimes, providing opportunity to establish meaning and context.

Government must have some priorities/ideas on how public data could be re-used. Given the collapse of some sites running as 'free' to users referred to in the consultation (e.g. School-o-Scope), seed funding for entrepreneurial ideas should be considered. This should be available to any individual/organisation with a plan for re-use of data nationally in the first instance, and may include the expansion of existing websites.

GENERAL COMMENTS

- There are a lot of useful approaches and methods already outlined in the paper and many of these seem sensible in general terms. There does however need to be fuller consideration of the technology required to fulfil the requirements of an Open Data Policy, and how accessibility issues can be addressed.
- There is a concern that the focus of this consultation is only on publishing data electronically. What will the process be for those who cannot access data electronically but wish to use/analyse datasets? Would making these datasets available only via an electronic portal be inclusive?

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?

Yes – there needs to be a clear plan communicated to all, and established through consultation and debate, clarity of what data users and the public want to see published. Providing a central portal where publication takes place also helps to establish 'guidelines' for any local publishing.