

Making Open Data Real: A Public Consultation
Royal Borough of Kensington and Chelsea

This response is made on behalf of the Service Improvement Team, Royal Borough of Kensington and Chelsea.

Question	Response
Glossary of key terms (pg. 5-6)	
1. Do the definitions of the key terms go far enough?	The definitions are fit for purpose
2. Where a decision is being taken about whether to make a dataset open, what tests should be applied?	<p>The general presumption should be in favour of publication. However there are a number of tests that local authorities may wish to apply:</p> <ul style="list-style-type: none"> – Exceptions: <ul style="list-style-type: none"> ○ Data should not be published if publication would infringe existing legislation such as the Data Protection Act. ○ Data might not be published if the level of redaction (for personal or sensitive items of data) would make the remaining data unintelligible or of little value. – Cost of publishing: the public body in question might wish to consider the relative costs and benefits of publishing certain datasets to ensure that the effort and cost of publication is proportionate to the benefits that will be visited on residents and other data users of having the data publicly available. – Public demand: the public body in question may wish to test whether there is any public interest in the dataset before committing to publication in order to ensure the best use of taxpayers' money.
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?	The Coalition Government's dismantling of the bureaucratic CAA performance regime was done in the spirit of reducing the resource and cost burden on local authorities and to make councils more locally accountable. In the same vein, the transparency agenda shouldn't result in excessive time and resource burdens on local authorities, especially in the current financial climate.

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	<p>We agree that data already provided for free re-use should not be charged for and there should be no charge for data required for holding public bodies accountable. All data requests which don't fall within these criteria should be liable to carry a cost to the requestor – decisions around whether to charge, and the level of such charges, should be at the discretion of individual local authorities and other public service providers.</p>
<p>4. How does the government 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?</p>	<p>No comment</p>
<p>5. What would be appropriate mechanisms to encourage or ensure publication of data by public service providers?</p>	<p>Public interest in the form of requests for publication of datasets should be the main mechanism encouraging public service providers to publish their data. Central prescription of any kind would seem to go against the core notion of local accountability which underpins the transparency agenda. Enforcement through legislation would create additional red tape and bureaucracy and counteract the reduction in central control.</p> <p>We welcome the recently published national code of recommended practice but believe that this should remain as guidance only rather than being legally binding. Pressure for publication should come from within the local government community - examples of best practice organisations will encourage others to follow suit.</p> <p>More detailed guidance supporting local authorities in publishing their datasets should be produced and provided collectively by the local government community.</p> <p>We strongly believe that it should be left to local circumstances as to how to</p>

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	meet transparency requirements between local government, local communities, developers and government instead of imposing stringent guidelines.
An enhanced right to data (pg. 23-25)	
1. How would the government establish a stronger presumption in favour of publication than that which currently exists?	<p>Embedding the principle that data should be open by default in existing legislation is the most proportionate approach to the issue of establishing a stronger presumption towards the publication of data. Introducing a new requirement that all public bodies and providers of public service proactively publish data about the services they deliver seems unnecessarily prescriptive and it is difficult to see what more will be achieved by this approach than by simply embedding the principle in existing legislation.</p> <p>Enshrining the more advanced elements of the transition to open data in legislation is unrealistic and runs counter to the idea of <i>local</i> accountability.</p>
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?	It is our view that any enforcement of open data policy by an external body is disproportionate, overly prescriptive and goes against the grain of local accountability. However, if the choice is between this being a function of government or of an independent body, such as the Information Commissioner, then we would support the latter. Having an independent body safeguarding a right to access would ensure that the rights of the individual are prioritised rather than a political agenda, for instance.
3. Are existing safeguards to protect personal data and privacy measures adequate to regulate the Open Data agenda?	Yes, the ICO does go some way to ensure that any new developments (such as the Open Data requirements) are adequately covered by security and the ICO's guidance, ensuring that security of personal information is paramount to all processing.
4. What might the resource implications of an enhanced right to data be for those bodies within its scope? How does the government ensure that any additional burden is	The resource implications could be quite substantial. It is likely that with increased central prescription around the publication of datasets proportionality between cost and demand will be lost. Many public service

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proportionate to this aim?	<p>providers are currently publishing data in direct response to the level of demand and thus the cost of supply is proportionate to this demand. Additional burdens should not be placed on any provider unless it can be said with certainty that there is a demand for data that isn't currently being met.</p> <p>As in many local authorities, the number of FOI requests received by the Royal Borough of Kensington and Chelsea is steadily increasing. At a time when local authority budgets are reducing and cuts are being made any additional data publication requirements will put a strain on resources.</p>
5. How will the government ensure that Open Data standards are embedded in new ICT contracts?	<p>This should be at the discretion of the public service provider in question. When procuring their ICT systems, individual organisations should specify how far the Open Data standards are embedded in their contracts according to their own needs.</p>
Setting Open Data standards (pg. 26-28)	
1. What is the best way to achieve compliance on high and common standards to allow usability and interoperability?	<p>The best way to achieve this would be through formalising, through a Code of Practice or opt-in process, the Public Data Principles articulated by the Public Sector Transparency Board.</p>
2. Is there a role for government to establish consistent standards for collecting user experience across public services?	<p>No, public service providers (or commissioners) should set their own standards according to local circumstances and requirements. However, there should be an expectation that certain minimum standards are met.</p>
3. Should the government consider a scheme for accreditation of information intermediaries, and if so how might that best work?	<p>No comment</p>
Corporate and personal responsibility (pg. 29-30)	
1. How would the government ensure that public service providers in their day to day decision-making honour a commitment to Open Data, while respecting privacy and security considerations?	<p>No comment</p>

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2. What could personal responsibility at Board-level do to ensure the right to data is being met? Should the same person be responsible for ensuring that personal data is properly protected and that privacy issues are met?	No comment
3. Would the government need to have a sanctions framework to enforce a right to data?	No, this would be too prescriptive and would undermine the principle of local accountability. Government should be seeking to mobilise public service providers to deliver this agenda, rather than looking at enforcement through legislation and sanctions. Members of the public have recourse to their local councillor if they feel their right to data isn't being upheld.
4. What other sectors would benefit from having a dedicated Sector Transparency Board?	No comment
Meaningful Open Data (pg. 31-32)	
1. How should public services make use of data inventories? What is the optimal way to develop and operate this?	Data inventories should be used by local authorities, and other public service organisations, to inform the public what datasets are available and in what formats. Data inventories should be optional; however, their use should be encouraged through a published code of practice (produced by, or in consultation with, the local government community).
2. How should data be prioritised for inclusion in an inventory? How is value to be established?	Value should be determined based on the appetite for certain datasets from members of the public. It is more than likely that this will vary considerably at the local level and thus prioritisation should take place at the local level.
3. In what areas would you expect government to collect and publish data routinely?	No comment
4. What data is collected 'unnecessarily'? How should these datasets be identified? Should data collection be stopped?	Unnecessary data is that which holds no interest to members of the public – that which has no bearing on the performance of an organisation and has no use for holding the organisation to account. For every dataset, public service providers should ask themselves why they are collecting it, what is it being used for and how much it costs to collect. It should then be a policy decision as to whether to continue collection of this data or not.

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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?	We support the principle that data of a lower quality will be published in preference to holding it back, while seeking to improve the quality of the data over time. Data is likely to be of most use in its raw format and therefore data should not be 'polished', processed or manipulated unnecessarily.
Government sets the example (pg. 33-34)	
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?	A central portal is likely to be easier to navigate.
2. What factors should inform prioritisation of datasets for publication, at national, local or sector level?	Prioritisation should be based on the relative level of demand for these datasets from the most relevant user groups.
3. Which is more important: for government to prioritise publishing a broader set of data, or existing data at a more detailed level?	Priority should be given first to rationalising existing data sets with a view to eliminating those which are not meaningful. Providing data at a more detailed level would then take precedence over broadening the set to be published, however the latter is important where there is an unfulfilled demand from any of the relevant user groups.
Innovation with Open Data (pg. 35-36)	
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?	We do not support the suggestion that public service providers should report each year on 'how they are building collaborative relationships with the user community, including the commercial sector, which promotes the use of data'. Public service providers should explore such relationships as they see fit and in response to their local circumstances.

Service Improvement Team
Royal Borough of Kensington and Chelsea
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