

## **Open Data Consultation**

### **East Riding of Yorkshire Council's Response**

#### **Policy Challenge**

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

**We feel that a number of further questions would need to be considered in order to answer this i.e. what do the public really need, who is the true customer of the data (public or press) and to what purpose would the data be used. We would need to be clear about whether we have the capacity/ability to meet expectations or whether the Open Data would create an artificial level of expectation that doesn't actually exist. So, to summarise we feel that it could be a step too far without further consideration.**

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

**The following tests should apply – is the data/interpretation of public interest; is the data available now through automated reporting; is the format of the data i.e. raw data enough or would it require additional manipulation; is there confidence in the quality of the data; is the data available in a timely way? Consideration would need to be given to whether consent to share was given at the time the data was collected. Without either implicit or explicit consent, under the Data Protection Act information cannot be shared across different agencies. Adherence to the Data Protection Act will underpin any progress around Open Data.**

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?

**If data is available free now and is easily accessible then no payment should be requested. Payments could be requested for data along similar lines to Freedom of Information until such time that ICT procurement ensures that contracts/systems can extract data in an efficient way. There should be minimal costs associated with publishing data. Turning the data into meaningful information is what is expensive. It is not clear whether publishing raw data or information is the expectation. Raw data can be analysed by 'armchair auditors', whereas information has already been analysed. Merely downloading everything from existing systems and making the data anonymous should be relatively cheap.**

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?

**It should cover the whole spectrum of public sector agencies who own the data. Some consideration would need to be given to contractors/3<sup>rd</sup> party organisations who collect and produce data through the services that they deliver on behalf of the public sector and whether these should be included.**

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

**This could be done in two ways: by introducing an Open Data Quality Mark which public sector could apply for demonstrating evidence and policies/procedures which are in place to ensure open data is delivered; or through regulation and audit against service standards etc. Whatever method, it must support the delivery of efficiencies and not create further expensive processes/bureaucracy.**

### **An Enhanced Right to Data**

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

**Through recognition of national best practice and effective challenge or enforcement, however this will require a major cultural shift which will take time to establish. A core set of data (including service standards) which is relevant to the public could be identified (by them) which would reduce the scope/size of delivering open data.**

7. 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?

**The Information Commissioner already has a role and this could be broadened however we would be cautious about creating too much regulation/inspection when there is a national lack of capacity to deliver this.**

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

**We believe that data sets within a small or rural authority would need additional care as any publication of small data sets could increase the chances of privacy and personal data being breached. Authorities should determine, on a case by case basis which data sets are safe for publication. In addition, whilst automation of data may improve access and associated costs of publishing data, it may also increase the risks if the data is not properly validated prior to extraction for the same reason as stated above.**

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?

**Through the introduction of a core data set, common to all public organisations which ensure that the public have access to relevant and interesting data. The current safeguards are far from adequate. There are numerous breaches of data**

**security, many of which appear to stem from poor interpretation of guidance, poor practice, or carelessness. A culture needs to be embedded whereby any data which is extracted from systems for whatever use is fully anonymous. Once this culture is embedded, data sets released under the Open Data agenda are less likely to expose personal data.**

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

**Do we actually need to do this? Open Data standards should simply mean that the data held within ICT systems is accurate and recorded in a timely manner. These standards should already exist. However if they are needed then Open Data standards would be embedded into all ICT specifications and through effective procurement evaluation.**

### **Setting Open Data standards**

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

**By using a core data set which is underpinned by standard formats, use of templates and definitions etc, and adopting 'right first time' principles at the point of collection.**

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

**Probably, but this could be captured using existing tools.**

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

**Not sure what this means or who the 'intermediary' is so unable to comment.**

### **Corporate and personal responsibility**

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.

**By using service standards or code of practice across the council monitored through the Information Management Governance role of the authority.**

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?

**By ensuring that there is a real clarity of roles, through effective monitoring/testing e.g. by internal audit and Information Governance.**

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

**As previously described; code of practice, core data set, accreditation and/or inspection. There are currently no sanctions applied to public agencies who don't comply with current Open Data issues, such as publication of expenditure over £500, or salary information of senior employees. This is perhaps a power that the Information Commissioner could have.**

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

**In addition to Police, Fire, Health etc, we feel that Central Government (Ministerial bodies), and the Prison Service would benefit from this.**

### **Meaningful Open Data**

18. How should public services make use of data inventories? What is the optimal way to develop and operate this?

**Having effective information governance and retention schedule for information/data is critical to this. Having a clear understanding of any time lags on data publications i.e. those data sets which are 6 months in arrears or those which are delayed due to more complex data validation processes would need to be clearly identified within any inventory. Public Services need to be clear and open as to what information they hold. A full, complete data inventory is likely to be an extremely large document which would act as a 'menu' for interested parties. A data inventory would at least make requests for data easier, with requestors being able to focus on specific items and have a greater understanding of what is needed.**

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

**Data which is most relevant and interesting to the public should be prioritised (core data set). Data which is low in number or which is high risk of inaccuracy should not be prioritised. However the ethos of Open Data is not for local authorities to decide what is or isn't a priority for people.**

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

**Similar to those which local government would publish which underpin public interest, value for money etc.**

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

**Depends on the definition of 'unnecessary' or indeed who should decide it is unnecessary. Different perspectives from decision makers; i.e. members, public or information commissioner etc. Any data which is unnecessary should not be collected in the first place. The existing 'zero based reviews' being undertaken by government departments should identify unnecessary data which is being requested. The outcomes of these reviews should identify which data no longer needs collecting at a local level.**

22. 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?

**Data should be of high quality otherwise it could lead to misinterpretation, poor decision making or reputational damage. We should therefore use the previous definition of data quality (as published by Audit Commission) and 6 characteristics of good data quality i.e. Accuracy, Validity, Reliability, Timeliness, Relevance, Completeness. However caution should be applied as this may disincentivise open data as some organisations may use 'poor data quality' as a reason to withhold data. Any data which is not high quality is by definition low quality, and therefore is incorrect data. Incorrect data should not be published under any circumstances.**

### **Government sets the example**

23. 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?

**It should be held in a central portal which would lead to consistency and eventually could deliver economies of scale in the collection and use of data for these purposes. This would make it easier for people to find what they are looking for. Members of the public or interested parties do not necessarily have the knowledge of which government department is responsible for specific areas of work.**

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

**3 factors: Nationally is it a core data set; locally can the data represent issues which are important at an appropriate local level, and across the sector can the data be used for the purposes of benchmarking? Supposedly a key factor should be how useful the data would be, but datasets shouldn't be prioritised. Either Open Data is embraced or it isn't.**

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

**Depends on the users needs/expectations and who the data is 'really' being published for. It may be helpful to have a broader set of data, but one which has been determined as the 'national core data set' as described earlier.**

### **Innovation with Open Data**

26. 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?

- **A core data set would be helpful however it is important that Open Data is not too prescriptive.**
- **Realistic and effective lead in times for this change in culture is required, especially if ICT contracts need to be reviewed.**
- **Central government could encourage delivery through the use of financial incentives or pathfinder funding.**
- **To establish a robust Information Management Group at a sub-regional or national level, which could share best practice or provide peer support across the public sector.**
- **Routinely publish all data, minutes etc, rather than offer up tokenistic data such as spend over £500.**