

Open Data Consultation – response to consultation on behalf of Wiltshire Council

Wiltshire Council

The answers to the consultation questions posed are shown below.

An enhanced right to data: how do we establish stronger rights for individuals, businesses and other actors to obtain, use and re-use data from public service providers?

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

The 'Open Data' agenda will be challenging; many public services quite rightly have a strong culture of confidentiality and a reluctance to publish information that may lead to identification of individuals. This does not mean a lack of transparency – just a wish to protect individuals and their privacy. The government's approach should make it clear that personal data will continue to be protected (for example by being careful about small populations) to give confidence both to the public and to professionals.

There are resource implications associated with the collection and publication of data and government needs to be able to show clear benefits for the public. There may be criticism of unnecessary bureaucracy and a belief that resources would be better used for services that are important to people. This could be countered if the requirements are limited to what is important to benefit local people, and that the rationale for those requirements was clear and easily understood.

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?

Our FOI officers feel that it is essential to have somebody with an independent view when there is a dispute over the information. Whilst we would support the principal of an independent body, it is important that this does not become overly bureaucratic. Information Commissioners are not currently properly resourced and therefore response is sometimes too slow.

We would not want to see this turn into another audit process and any arrangements should be light touch. For local authorities, data publication could be one of the elements that an authority considers within the self-assessment processes of sector self-regulation.

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

Existing safeguards are sufficient to protect, provided they are complied with. The main issue for government to consider is how to ensure these are understood and complied with consistently.

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?

The resource implications of this are impossible to anticipate until we understand more fully what data will need to be published under this agenda and what level of further enquiry is generated. However, it is apparent from the consultation that there could be significant implications for both statutory public sector organisations and others who provide public services, both in terms of resources and, in relation to smaller organisations, expertise. Our plea would be that nothing is published which is not useful. If something is useful and of the right quality then the presumption should be that if it is collected centrally by government, it is published centrally in a way that helps people to understand and make sense of the data.

If the requirement is to publish additional data that is not collected centrally then this raises concerns about how data could be usefully accessed, and the resource requirements (including expertise) placed on public service providers from across the public, business and voluntary sectors.

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

Open Data standards should form an integral part of all national contracts let by government. Government should make available guidance and standards which can be used by local organisations when tendering and drawing up contracts.

Setting transparency standards: what would standards that enforce this right to data among public authorities look like?

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

Common standards already exist for some areas of service (for example the common assessment framework within children's services). Our advice would be to start with these, build on what has worked and take time to develop common standards and arrangements that work.

There is a role for central government in making sure that data providers have access to clear information about their obligations and the standards that apply.

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

We are unsure what precisely is meant by this question in its reference to consistent "standards." It could be interpreted as meaning that whatever user-experience data one collects, it should be collected using a minimum margin of error; a prescribed sampling method; and that questions should be defined using recognised formats. Alternatively you could be referring to the *content* being standard: in other words, that all customer experience surveys about any service should include, at minimum, a prescribed set of questions that are defined by government. The former would ensure that when public services collect these data the collections are credible and the latter would allow some comparability. It is important that there is clarity over this and that both elements are considered.

If government is keen to collect user experience information that is comparable nationally then it seems likely that this would need to be implemented and administered at national level. There are currently other national surveys for people who are already service users. One example of this is the Department of Health single, annual user-experience survey for people who are users of adult care services that are arranged by the Council. Of course adult care is a means and needs-tested service; in areas such as Wiltshire most adults who need a care service do not get help from us and so this survey does not reach them. Government will need to consider how they will build a robust evidence base of the experience of those who do not (for a variety of reasons) currently use the services provided by public sector.

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

There is a concern that use of data intermediaries can limit access to data (one example of this is census data where some companies make charges to access it). We would question the need for information intermediaries if there is a truly open data agenda. Our feeling would be that intermediaries should not be used unless there is a legitimate reason for doing so; and if that is the case then they should certainly be accredited.

Corporate and personal responsibility: how would public service providers be held to account for delivering open data through a clear governance and leadership framework at political, organisational and individual level?

It is assumed in answering this question that the term 'public service providers' is used in the context of the Open Public Services White Paper in which a service provider can come from across the public, private, and voluntary and community sectors. The comments below cover all four individual questions.

The mechanisms put in place for holding organisations to account for delivering this agenda will clearly need to vary dependant on the sector and the size of the organisation as well as the basis on which their work is carried out. What will be critical is that the requirements of the open data agenda are absolutely clear and that detail of this is understood when the commitment to provide public services is taken. The provider could then make arrangements to ensure that they are compliant.

Protecting personal data and privacy are critical and the requirements for this should not be diluted. Government wishes to improve public services. Enforcement action and sanctions have significant limitations and could take valuable resources away from services for the public. Where statutory public sector organisations are not fulfilling their obligations, we believe that an increased scope for the Information Commissioner should be sufficient. Arrangements for other public service providers across sectors would need to be considered. We would prefer to see government working with organisations who are having difficulties to resolve issues rather than imposing sanctions.

Meaningful Open Data: how should we ensure collection and publication of the most useful data, through an approach that enables public service providers to understand the value of the data they hold and helps the public at large know what data is collected?

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

We would question whether people actually need or want to know what information we collect. We strongly resist the suggestion that authorities should publish a full inventory of all the data collected. This would be resource intensive to set up and maintain and we are not sure how it is useful.

2) In what areas would you expect government to collect and publish data routinely?

We would expect Government to collect and publish data centrally where it would benefit the public, but not to publish everything routinely. It would be helpful if service providers were able to flag a data set to enable people to link to additional locally published information. This additional information would be voluntary and so not consistent across the country.

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

We have previously given information on data sets which are useful and those which are not as part of the consultation on the Single Set of Data. This feedback should be used to identify those which are collected unnecessarily and specific questions asked of the people who are responsible for its collection. The government should start from a 'zero based' perspective and examine every dataset to ensure it is helpful and able to be used for its intended purpose, and that the benefits outweigh the cost of collecting and publishing the data. Organisations collect a myriad of different types of data, and some of this is only useful in running their businesses. This type of data would probably not be useful to members of the public.

4) 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?

The data that government publishes should be appropriate. The important thing is that people are able to understand the limitations of the data, and that it is published in a way that makes it understandable and leads to valid interpretation. One example of this is teenage pregnancy data – nationally published data is 3 years old. It may be useful for people to be able to access more up to date provisional data, as long as they understand that it is provisional and subject to change.

Data 'Polishing' is an important part of ensuring the appropriate quality of data and removing errors in recording. The need for 'polishing' will vary with the dataset and the intended use of the data.

Government has a responsibility to make sure that when it publishes data it can be interpreted correctly. The arrangements should be designed from the beginning to make sure there is clarity about what the data, what it means, and its limitations.

Government sets the example: in what ways could we make the internal workings of government and the public sector as open as possible?

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 the most sensible and economical way forward, particularly as many data sets cross over departments. However we would refer back to our earlier comment that it will be essential for these large national datasets to have the ability to be 'tagged' to provide links to additional locally published information that may be helpful.

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

As mentioned elsewhere, prioritisation should take account of the benefit to the public of providing the data, balanced against the cost. It is important to publish what is most useful and to take into account ease of collection/publication and interpretable.

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

Each data set is different and so the overriding principle should be whether it is useful and then a subsequent decision should be made about what level of detail is appropriate. Improving data quality and making it more comprehensible to a wider audience is essential if we are really going to be able to positively inform local decision making.

4. 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?

If government is publishing data centrally it clearly has a role in making sure that it is of good quality and easily understood.

Over and above the central publication it may be helpful for the government to work with local organisations to help them to resolve issues and encourage innovative approaches. This would obviously have resource implications.