

Devon County Council believes that transparency is key if members of the public are to be able to hold it to account. It is clear that to be able to do this effectively they must be able to request the information they need. However, as a local authority, our principal responsibility is the provision of services and our systems have been designed as such. A balance needs to be struck between the resources committed to service delivery and those directed towards publication of data in the knowledge that there is greater public concern about the former than the latter.

## **Response to questions**

### Glossary of key terms

The definitions of the terms included would seem to be appropriate. There is no mention of linked data or machine readability which are both used later in the consultation and are central to this area.

In determining whether a dataset should be released or not there must be some form of cost-benefit of analysis although this may be difficult as it may not be obvious what the benefits might be. In the same way as a Freedom of Information request can be exempted if it will take a significant amount of time to produce a response, the same must be true of a request for data.

Datasets that can be published at little or no cost should be published just in case.

There should not be a right to request data at any cost – regardless of who pays. Public bodies should act strategically and should not be required to divert staff to answering requests for data. Even if the financial costs of doing so are met by the requester there will be disruption to the authority which will cause disruption to service delivery.

It would also cause public bodies significant difficulties if any extension to Freedom of Information (FoI) legislation did not allow sufficient time for them to adapt their systems as, as mentioned earlier, they were never set up with this in mind. The proviso that publication only applies to new ICT systems is welcome, although it should be accepted that it will therefore take some time to bear fruit. There is also no strong evidence yet that an increase in transparency will result in a corresponding decrease in FoI requests – it may well result in more requests for analysis and interpretation.

### An enhanced right to data

The principle that data should be open by default and the presumption that data will be published, where no exemptions or exceptions exist, would need to be embedded in legislation as this represents a significant culture shift. Central government could do much to enable this shift by leading by example.

Introducing a requirement that public bodies proactively publish data may be helpful if specific FoI requests can be rejected on the basis that more general information is already available. Without this organisations will be publishing information that may not be suitable for the people who wish to use it. Publishing needs to be demand-led.

Currently responding to FoI requests costs the authority around £200,000 each year, and the figure is rising. In addition systems have not been set up to separate disclosive and non-disclosive data. Expecting organisations to proactively publish data, while continuing to answer FoI requests and rebuild their internal systems, at a time when budgets and staff numbers are under increasing pressures will cause significant problems.

### Setting Open Data standards

In order to achieve the best from open data it is essential that standards are adopted to promote ease of use and interoperability. The simple star rating suggested would also give a quick indication of the type of data that can be expected.

However, technical standards that ensure data can be widely used will not necessarily result in data that can be compared across organisations as each may well adopt a different definition.

Making tools freely available to the public sector would help ensure consistency, but central government imposition of standards on local authorities contradicts its desire for local performance regimes.

### Corporate and personal responsibility

As a local authority we can't simply 'be open' as much of our data contains sensitive personal information. Guidance from the Local Government Association is that all local authorities should have a Senior Information Risk Owner to ensure that information is correctly marked. This person should be best placed to ensure privacy and security, whilst allowing all not protectively marked information to be made available.

### Meaningful Open Data

Only data that are meaningful and useful should be collected and the current cuts are focussing attention on what local authorities do, and how they do it. Unnecessary activities, and hence the associated data, are being stopped.

Data should be published in a timely manner – delaying publication diminishes the usefulness of the data. However, publishing data too quickly, before it has been checked to ensure it is of suitable quality, also diminishes it. A rush to publish may result in the inadvertent release of sensitive data. A balance must be struck between speed and accuracy.

## Government sets the example

Where data are held, be it a central portal or separate departmental portals, is less important than ensuring it is properly signposted with suitable metadata attached. As long as it can be found it, where it is stored is a secondary issue.

It is not a simple matter to decide whether more detailed information is better or worse than a broader set of data. The release of data needs to be demand-led to ensure it meets the needs of those wanting to use it.