



District Councils' Network

RESPONSE TO MAKING OPEN DATA REAL: A PUBLIC CONSULTATION

The District Councils' Network is a member led network of 182 district councils. We are a Special Interest Group of the Local Government Association (LGA), and provide a single voice for district councils within the LGA.

We also act as an informed and representative advocate for districts to government and other national bodies, based on our unique position to deliver for 'local' people.

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

The definitions are understandable but some of the terminology used could be open to debate and in certain cases makes the definition more complex than it needs to be. For example, what constitutes '*added value, message, or meaning*' will vary from person to person and organisation to organisation. If such words are to be used there needs to be a shared and joined up understanding of what they mean.

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

The tests that should be applied must be consistent with the six opportunities of open data as published in this consultation. Therefore the data must enhance: Accountability, Choice, Productivity, Quality and Outcomes, Social Growth, and Economic Growth. However the evidence to demonstrate these benefits could be fairly limited at this stage. Obvious issues surrounding personal data, cost, format and quality of data should also be central to any tests.

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?

Public sector organisations should be able to claim full cost recovery at all times if publishing or releasing data which is not judged to represent value for money. We can't afford to deliver services which do not represent value for money and would rightly be criticised if we did, so we shouldn't be expected to subsidise in any way such activity that is being imposed on us if it doesn't represent value for money.

- 4. How do we get the balance in relation to the range of organisations our policy proposals apply to? What threshold would be appropriate to determine the range of public services in scope and what criteria should inform this?**

Surely the starting point should be to complete the reviews which are due to commence shortly on the FoIA, DPA and Re-use of Public Sector Information and then using that information to look at ways to improve and build upon those existing frameworks for access to information rather than setting up a completely new regime. In addition, there needs to be a review of the use of the 6,000 data sets that the public already have access to through data.gov.uk. No further decisions around the open data agenda should be made until the information from these reviews is available.

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

The words 'encourage' or 'ensure' mean two completely different things. In the current challenging times that public sector bodies face and with ever decreasing resources there will be few who will be 'encouraged' to publish additional data to what they do already. To 'ensure' this happens then the usual route of bringing in yet more legislation will probably be the only mechanism which will achieve what you want.

- 6. How would we establish a stronger presumption in favour of publication than what currently exists?**

The government should set an example in its approach to Open Data by embracing and delivering the agreed principles as well as existing data legislation. Only once this is achieved should it be easier to establish a stronger presumption in favour of this new data agenda with other government and public sector bodies.

- 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?**

As can be demonstrated by the FoIA, it is probably the only way to ensure the open data agenda is implemented.

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

The forthcoming review of the DPA should be able to provide the response to this question.

- 9. What might the resource implications of an enhanced right to data be for those bodies within the scope? How do we ensure that any additional burden is proportionate to this aim?**

The resource implication will be different to every public sector organisation as there are currently no prescribed systems or mechanisms for the management of information. Whether a manual or an ICT system is currently being used there will be resource implications for having to manage and publish a wider range of data. With many public sector bodies currently reducing the number of back office staff this may result in higher paid staff having to pick up more administrative roles to meet this new agenda which certainly is not good use of tax payer's money. The only way to ensure this additional burden is proportionate to the aim is by not introducing this new regime. Public sector bodies currently struggle to resource the requirements of existing information legislation so to widen the data agenda is already adding to the current burden.

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

To reform procurement rules for ICT systems to ensure that new systems are designed in ways that ensures data extraction is easier and cheaper than current methods.

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

There should be a programme to phase the open data agenda in as every public sector body will be starting from a different base in how it currently manages its data. There also needs to be an opportunity for those that already have integrated systems and procedures in place to support and share their learning with those that don't. However, like any new regime there has to be a point when full compliance must be achieved against a set of agreed standards which could be based on a star rating. For the minimum level of compliance you would achieve a one star rating however to encourage further development the ratings would go to 5 stars.

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

Each public sector body should have its own mechanisms in place for capturing user experience in all that it does so in the first instance these systems should be used rather than setting up something else which ultimately will be a further cost to the tax payer. However in the medium to long term there may be some value in establishing consistent standards so you can accurately compare and contrast user experience.

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

In the first instance the answer would be no. The open data agenda needs to be fully embraced and complied with before adding additional layers such as

accreditation schemes. In addition, it is likely that only the larger and greater resourced public sector bodies would be able to look at accreditation schemes due to the standards that would probably need to be achieved.

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?

It should be remembered that public sector bodies already handle different types of data which involves managing privacy and security considerations, this is not something new. Mainstreaming the open data agenda into day to day decision making requires a cultural and behaviour change which will take time. If open data is part of legislation it is likely to secure a greater compliance rate than not which is no different to other types of legislation such as Section 17 of the Crime and Disorder Act 1998 which requires responsible authorities to consider the crime and disorder implications in all decision making.

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?

The organisational mechanics of managing this new agenda should be left to each public body to sort for itself as again some of these arrangements are already in place for managing FoIA, Data Protection etc. There is no need to be prescriptive on such issues.

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

Initially the answer should be no until you have sufficient evidence to demonstrate that a sanctions framework is needed.

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

Those already identified on the PM's letter on transparency on 7 July (Health, Education, Transport, Crime and Justice and Welfare).

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

Data inventories should enable public sector bodies to be able to outline what data sets are held, and whether they are open or not, using agreed standards for all public sector bodies. The inventories would need to be built in a modular way, over time and should begin with high priority data.

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

Prioritisation should be based on the six opportunities of the open data agenda. Data must enhance: Accountability, Choice, Productivity, Quality and Outcomes, Social Growth, and Economic Growth. It is difficult to answer the value element of this question as it isn't clear as to whether it is value to the user or to society for example. One measure of value could be based on the number of people accessing certain data sets as they must surely have a purpose in mind when accessing such information.

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

Any data that is used to inform the development of policy and decision making processes. This would include data from surveys to research information.

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

Any data which is not routinely used by Government to support and inform development of policy, decision making processes or improvement of performance. These data sets can only be identified by establishing firstly what is collected. Yes collection should then be stopped.

22. Should the data that the 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?

What is the purpose of publishing data which isn't of high quality as the reliability and accuracy will then always be in doubt. There would need to be an agreed set of criteria as to what constitutes quality. I wouldn't suggest service providers 'polish' data however I would expect it to be an accurate and reliable source of information.

23. How should the government approach the release of existing data for policy and research purposes: should this be held in a central portal or held on department portals?

Due to the vast array and number of government departments there are a central portal is a must. Accessing data should be made as easy as possible so a one stop shop approach should help to achieve this. It should also ensure that there is a consistency and standard as to how data is presented which may not be achieved if individual departments are managing their own portals.

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

The only factors should be what this consultation is based on which is the six opportunities of the open data agenda, as set out in questions 2 and 19 respectively.

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

A broader set of data should provide more value especially if the existing data is not used widely; there would be little point in providing a more detailed level.

26. Is there a role for government to stimulate innovation in the use of Open Data? If so, what's the best way to achieve this?

Yes, the government will need to demonstrate the benefits of the open data agenda to justify their reasoning for introducing it. Stimulating innovation will therefore be key in achieving this and should involve working closely with public sector bodies and seeking case studies of examples of good practice and learning.