



Open Data: Questions for consultation

### **Glossary of key terms**

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

The term 'dataset' is very broad in its definition and has potentially wide ranging implications for the data that could be caught within the definition – particularly if the definition is enshrined in legislation.

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

What is the cost to the public authority of providing the data in the requested form? Will the "right to data" be applicable to all data held or new data, i.e. requests for historical data?

Who are likely to be the main requestors for this data and is there a means of prioritising datasets that best reflect the immediate need / demand for 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?

Where the costs to publish or release data do not represent value for money, then the requestor should be asked to pay. Guidance set out in the Re-use of Public Sector Information Regulations could form the basis for more clearly defined circumstances.

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?

Establish criteria whereby consideration can be given to the extent to which an organisation is a provider of public services, e.g. size and duration of contracts,

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

Consideration should be given to whether public service providers are able to exploit the data in the same manner as private sector users.

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

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

Existing legislative provision is sufficient in terms of a strong presumption in favour of publication. Both FOI and EIR promote this presumption.



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?

Yes, given the ICO's powers for FOI and EIR.

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

Difficult to say as the full risks of releasing datasets (even if suitably anonymised) regularly over a period of time are not yet known. The personal data and privacy measures would need to be continually monitored to ensure that there is the appropriate balance in the release of information. There is also the risk of abuse of the datasets by users once released which need to be considered – how will this be regulated / enforced – what sanctions will be available?

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 for the enhanced rights to data are **considerable** to local authorities in dealing with this right. The experience of FOI/EIR suggests that consideration should be given to the burden over a longer period of time, i.e. 5-10 years to reflect the time taken for the 'right' to 'bed-in' and for awareness of the right to grow and be exercised. Furthermore, FOI experience suggests that there is little correlation between information that the public authority publishes and the type information requests that the public authority receives. There is no reason to suggest that as a similar situation would not occur with the right to data and that, therefore, regardless of the amount of proactive publication of data, the broad definition of a 'datasets' could result in large numbers of requests, internal appeals, external appeals, etc, all resulting in further strain on existing resources.

Additionally, given the potentially broad definition of the term 'dataset', there is the potential for current data that is provided and charged for by public authorities, falling within the scope of the definition and therefore requiring this data to be released under a 'free licence'. Where a fee is currently charged, this would possibly no longer be chargeable, and therefore the public authority is faced with a loss of income, even though it would have to continue to provide the data.

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

Contract definitions should include identification of the kind of 'datasets' that would be released under Open Data as part of the contract negotiations.

### **Setting Open Data Standards**

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



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

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

Only if it can be determined what value this might add.

#### **Corporate and Personal Responsibility**

1. 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.

The 'right to data' provision should address this issue.

2. 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?

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

How would this be different to the proposed role of the ICO?

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

#### **Meaningful Open Data**

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



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

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

4. What data is collected “unnecessarily”? How should these datasets be identified? Should collection be stopped?

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?

The expectation should be that data is of high quality, otherwise it may dilute the value it has for potential re-use. There would be an issue as to whether the data is of sufficient quality to be used by the public authority, but may not meet the requirements of re-users. Making the data ‘fit-for-purpose’ would have resource implications for local authorities.

### **Government sets the example**

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?

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

Demand for any particular datasets – are there any lessons to be learnt from the datasets released on ‘data.gov.uk’ that point to the types of data that are more widely used than others.



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

**Innovation with Open Data**

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?

Provide resources to enable this agenda to be explored both by the public sector and those looking to exploit the data.