



Runnymede Response to *Making Open Data Real: A Public Consultation* September 2011

1. About Runnymede

- 1.1. Runnymede is the UK's leading independent race equality thinktank. We generate intelligence for a multi-ethnic Britain through research, network building, leading debate, and policy engagement. It is a registered charity (no.1063609), independent and funded by donations.
- 1.2. Our website is <http://www.runnymedetrust.org/>

2. Introductory remarks

- 2.1. Runnymede welcomes the move to increase access to government/public data ('Open Data') due to its potential to provide an objective evidence base for holding the following groups accountable for the wellbeing of disadvantaged groups:

- public service providers,
- local and national public representatives (i.e. local councillors and MPs), and
- decision-makers, such as government ministers.

- 2.2. As a race equality charity we have a particular interest in responding to *Making Open Data Real: A Public Consultation*¹ (hereby referred to as 'the consultation') to suggest ways in which Open Data works for, rather than against, the wellbeing and improvement of black and minority ethnic (BME) people in the UK. Despite recent progress, BME people continue to experience disadvantage and poverty, though this varies between different groups. To give a few brief examples:

- The unemployment rate among BME people (UK nationals) at the end of 2010 was 12.7 per cent, compared to a national average of 7.7 per cent.²
- Fifty-six per cent of Pakistani and Bangladeshi people experience income poverty compared to an average of 22 per cent. This figure is 41 per cent for black people, and 30 per cent for Indian people.³

- 2.3. We have a number of major concerns in relation to the consultation:

- that the consultation proposals are overly focused on public services, user experience and choice and 'transparency', and insufficiently focused on a wider sense of government **accountability** for the wellbeing of disadvantaged groups;
- that different kinds of **data are not sufficiently differentiated**, the result being that it is unclear how the aims of Open Data can be met;

¹ <http://data.gov.uk/sites/default/files/Open%20Data%20consultation%20August%202011.pdf>

² BTEG, 2010 <http://www.bteg.co.uk/index.php/Publications/-/Resources/BTEG-Reports/Employment-Briefing/Download.html>

³ Family Resources Survey, 2009-10

- that data will not be collected or presented in such a way as to allow **analysis of the position of disadvantaged groups** at various geographic scales;
- that **data on socio-economic indicators** – including those on the labour market, poverty, and health – are given insufficient attention;
- that potential data users – including those in civil society and third sector organisations – will be **given inadequate support** in terms of being **aware of what data is available and how to access and use it**.

We describe our concerns and recommendations below, responding only to the consultation questions (grouped together) that we feel able to comment on.

3. Response to consultation questions

[p6, Q1] Do the definitions of the key terms go far enough or too far?

- 3.1. We are concerned about the way in which 'data' is discussed throughout the consultation. In particular, many different types of information/data are lumped together as 'data', including the following:
 - information on financial returns
 - local government/public service body expenditure
 - local government/public service body staff salaries
 - medical records
 - records of crime
 - public service user/performance information
- 3.2. We recommend that a clearer *typology of data* be developed. This would enable the government to have a clearer Open Data strategy, better anticipating the impact of opening access to different kinds of data to different kinds of user. It would also make it easier for potential new users to identify the kinds of data that are becoming available. Further, the government should develop a parallel typology of the different *groups of users* they expect to access newly-available data, e.g. new businesses in particular industries, existing businesses, citizens groups, charities.
- 3.3. While not listed as key terms on p.5 of the consultation, *accountability* and *transparency* are central themes running throughout the entire document and we have some concerns over how they are employed. The government should be clearer that the two concepts mean different things and that Open Data does not automatically result in increased transparency or accountability.
- 3.4. We question the overall presumption that the main purpose of Open Data should be to:
 - help citizens critique public services, for example, by monitoring how much they spend; and
 - help users compare different public services – such as schools hospitals – and choose between them accordingly.

While these are important aims, we have a number of concerns. Open Data on public expenditure should indeed be understood as an element of transparency. However, such expenditure is not inherently wasteful – it supports vital public services that society needs. There is the danger that opening data on expenditure and salaries without providing sufficient context for the reader may lead to a skewed sense that money is being 'wasted'. For example, data on the salaries of public service provider staff may be perceived to be high by readers if it is not compared to national benchmarks or

averages. Expenditure on services may sound large – at hundreds of thousands of pounds – when not presented in a context of total budgets or what such services typically cost. Transparency therefore requires more than just releasing some datasets without context.

- 3.5. Similarly, Open Data – such as showing crime hotspots – does not equate to accountability. Accountability in this case would involve citizens being able to hold those in authority responsible for failure and for making improvements. Therefore, we strongly believe that a central and explicit aim of Open Data should be to enable citizens to hold to account public representatives and decision-makers – for example, a local MP or minister of state for policing and criminal justice. We therefore welcome the emerging best practice around social accountability, detailed in section A1.6 of the consultation, which includes citizen report cards and complaints mechanisms (p41). Open Data should support citizens to utilize these kinds of accountability mechanisms.
- 3.6. We welcome the references in the consultation to Open Data being used to hold government to account. However, if the government is serious about Open Data meeting this aim, existing and new users need:
- to know that data is freely available
 - to know where and how they can access data
 - to be supported to use – i.e. analyze and understand – data
- 3.7. Further, users and the wider public must be confident of the quality of data if they are to be confident about holding decision-makers to account. We therefore support any initiative which raises the quality of government data production.
- 3.8. Improved ways of enabling accountability is especially important at a time when government spending cuts are reducing the capacity of government agencies and regulatory bodies to hold government and public services to account. Recent parliamentary evidence⁴ shows that 34 per cent of public bodies have been abolished or merged, meaning that government should ensure that the drive to Open Data has a real impact in enabling citizens to improve accountability.

[p6, Q4] 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?

- 3.9. We understand that the context for the consultation is mainly in relation to opening public services. Indeed, the Open Public Services white paper (July 2011⁵) contains similar discussions on the role of data in terms of enhancing service user choice and driving up standards. However, as mentioned above, we are concerned that the drive to Open Data is overly focused on opening public services and insufficiently focused on making sure that public service providers, public representatives and decision-makers are held to account.

[p6, Q3] 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?

[p25, Q2] 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?

⁴ <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmpubadm/537/53705.htm>

⁵ <http://www.cabinetoffice.gov.uk/sites/default/files/resources/open-public-services-white-paper.pdf>

[p28, Q3] Should we consider a scheme for accreditation of information intermediaries, and if so how might that best work?

- 3.10. Different groups will have an interest in requesting and using data, some of who will be more or less able to meet any costs. Civil society groups – including citizens groups and charities – are unlikely to be able to meet any costs in accessing data, due to their voluntary nature. Given the increasing importance of using data to hold decision-makers accountable, we argue that such groups should be assured of being able to access data at no cost, in order that they may carry out this important democratic function.
- 3.11. As a race equality charity, we would draw particular attention to the BME third sector, i.e. charities working to support disadvantaged BME communities. There are estimated to be anywhere between 7,000 and 15,000 BME third sector organisations in the UK. Low incomes, paper-thin budgets, over-worked staff, and limited IT infrastructures characterise this sector. Indeed, BME charities are disproportionately represented in the 50 per cent of all third sector organisations with an income of less than £10,000.⁶ Organisations in this sector require Open Data to hold government to account but many would be unable to afford any costs required to access data.
- 3.12. Further, in order for such under-resourced groups to be able to utilize Open Data we argue that they need to be given support to access and analyze it. We appreciate that public funds are limited but argue that the release of data alone – without any form of capacity-building support for those wishing use it – is insufficient. This capacity-building function could potentially come under the scope of any information intermediaries that are developed.
- 3.13. One of the 'Draft Public Data Principles' in the consultation is that 'Public bodies should actively encourage the re-use of their public data' (p.56). We support this principle and argue that, given the lack of resources in the BME third sector, public bodies should make *ease of access* to data a central consideration when designing data portals. They should also provide clear and standardized advice and support regarding how to access, analyze and understand data.
- 3.14. While unable to comment on the exact nature of the bodies required to safeguard a right to access and a right to data, we strongly support these two rights. We also ask the government to ensure that the bodies charged with protecting these rights protect the right of small third sector bodies to access data.

[p28, Q2] Is there a role for government to establish consistent standards for collecting user experience across public services?

- 3.15. We repeat our concern that Open Data may concentrate unduly on user experience data – other kinds of data, such as socio-economic indicators like unemployment and health outcomes, have to be considered as central to accountability and transparency.
- 3.16. User data is nonetheless important. From an equality perspective, Open Data should allow observers to see whether user experience of a particular public service varies significantly for different disadvantaged groups, such as BME people. User data therefore needs to be broken down by gender, disability, ethnicity, age, sexual orientation etc as much as possible and as consistently as possible. This will enable civil society groups to point out where public services are failing to meet the needs of particular groups.

⁶ BRAP, 2009 <http://www.brap.org.uk/content/view/324/123/>

- 3.17. To be able to see how users' experiences have changed over time, recent data should be clearly linked to previous datasets. Public service providers should build collaborative relationships with user communities, especially civil society/third sector groups, to enable them to actively access and utilise user data. In practice, this means building relationships with charities and other organisations, and giving them practical support in accessing and using user data.

[p30, Q3] Would we need to have a sanctions framework to enforce a right to data?

- 3.18. We do not feel we can comment on whether or not there should be a sanctions framework in place. We do support the idea of a code of practice around a right to data (8.9, p.26), which should include ensuring that the public are made aware of what data is available to them, how to access it and their right to access it. Rather than only focusing on pushing data providers to make data available, the government should take active steps to develop a widespread awareness on the part of the public.

[p31, Q2] How should data be prioritised for inclusion in an inventory? How is value to be established?

[p31, Q3] In what areas would you expect government to collect and publish data routinely?

[p6, Q2] Where a decision is being taken about whether to make a dataset open, what tests should be applied?

[p33, Q2] What factors should inform prioritization of datasets for publication, at national, local or sector level?

- 3.19. We believe that data is best able to support holding decision-makers to account when it applies to a number of geographic scales, including national, regional and local authority level. Also, as mentioned above, we argue that data should as far as possible be broken down by disadvantaged groups, including gender, ethnicity, age, disability etc. This is necessary if Open Data is to follow the Draft Public Data Principle that 'Public data will be timely and fine grained' (p.56).

- 3.20. We would expect the government to routinely collect and publish data – broken down by the geographical scales and groups mentioned above – on the following broad socio-economic indicators:

- the labour market – e.g. levels of unemployment and employment
- poverty – e.g. income/asset poverty
- health – e.g. long-term limiting illness
- housing – e.g. homelessness, overcrowding, fuel poverty
- education – e.g. attainment at GCSE/A levels
- criminal justice – e.g. victims of crime, people subject to stop-and-search

We believe that a meaningful move to Open Data must ensure data covering these kinds of indicators, scales and groups are widely available, easily accessed, useable, consistent and regularly updated.

[p34, Q3] Which is more important: for government to prioritize publishing a broader set of data, or existing data at a more detailed level?

[p32, Q5] 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?

- 3.21. In terms of the balance between publishing a broader set of data against more detailed data, we argue that priority should be given to improving current datasets, in terms of:

- making data easier to access and use; and
- making data consistent in terms of being broken down by geographical scale and disadvantaged groups.

We think that expanding the range of data at the expense of making existing data more useable and detailed would bring limited gains.

- 3.22. While the government should aim to improve the quality of data being released, data should not be withheld on the grounds that it is of insufficient quality. In particular, whoever is responsible for protecting the right to data should ensure that quality of data is not used as an excuse for government bodies or public service providers to withhold data.
- 3.23. As we have argued above, the government should strive to produce data at the highest levels of quality, given that it will be used to hold government to account as well as foster business innovation. High quality data requires basic methodological information to accompany it, including sample sizes and measures of statistical confidence. Support given to civil society groups should include improving understanding of these methodological features.

[p33, Q1] 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?

- 3.24. We support the release of data to facilitate charities, citizen groups and other civil society bodies' policy and research work. Much of this involves using available data to hold decision-makers and public representatives to account. In order to support this work the government should, as far as is possible, release data *both* through:
- specific regional and departmental portals – such as local authority (e.g. <http://www.hackney.gov.uk/>) and government department websites (e.g. <http://www.education.gov.uk/>), and
 - one central portal – such as www.data.gov.uk.
- 3.25. It is crucial that people who want to access data at the local level (e.g. local authority area) or in a particular field (e.g. health) can do so through a non-central portal. This will help ensure accountability of local decision-makers as well as ministers responsible for areas of government policy. The London Borough of Redbridge's *Datashare* webpage (<http://data.redbridge.gov.uk/>) is a good example of a local-level data portal, in terms of its easy-to-navigate and clear design, although we argue that such data portals should be more visible on the local authority's homepage.
- 3.26. It is equally important to have one central data portal, which makes it easier for people who are less familiar with where to access data to conduct initial searches. Central, local and departments portals should link to the others as much as possible. This can be done at very low cost.
- 3.27. Data will only be accessed and used when potential users are well-informed about what data is available and where. Therefore, in order to support charities and civil society groups in their policy and research functions, we recommend that the government develop a simple yet clear strategy for disseminating among the third sector on:
- what data is available,
 - how to access it, and

- how to analyze and understand it.

3.28. We also support the suggestions in the consultation (p.33) for how the government should set an example in using data for policy and research purposes, including:

- routinely publishing evidence and databases behind policy statements in the way that it does on Budget statements; and
- routine publication of the data underlying surveys at the same time as the survey analysis is published.

4. Further points

4.1. A more general point is that we are unimpressed with the quality of the consultation document, for a number of reasons.

4.2. The aims and objectives of Open Data are not set out in a visible or obvious way and, where they are mentioned, are not sufficiently clear. For example, the aim of Open Data appears to be to make more government/public service data available to the public. Yet, the Foreword to the consultation says the following:

Better data actually means less data, and more openness means fewer Freedom of Information requests for this data and less red-tape (p.3, emphasis added).

This is contradictory and is an example of the lack of clarity throughout the document.

4.3. Some of the writing is vague and muddled. The following segment is a good example:

A1.43 With access to more information the public is better equipped to hold local, and central, government to account. Data on service productivity, costs and delivery outcomes can also empower citizens and communities to engage in the Big Society: by creating an online app, mash-up or tool using Open Data, or by establishing an employee-owned mutual, or a parent/teacher-led Free School (p.51).

The links between encouraging citizens to engage in the (undefined) Big Society agenda, creating undefined data tools (e.g. a 'mash-up') and undertaking significant endeavors like establishing a Free School, are left unexplained, leading us to conclude that a number of different government agendas are being lumped unhelpfully into the Open Data agenda.

4.4. Open Data has the potential to be genuinely positive and transformative but it must be better defined, more coherent and given better central government support.

4.5. Finally, we draw attention to Runnymede's current Race Equality Scorecard project as a practical example of how public data can be used to hold government to account.

4.6. The scorecard will use public data to assess progress towards race equality made by local authorities and other local organisations, such as the police and schools. The scorecard includes indicators of progress in five key areas: housing, health, education, criminal justice and representation.

4.7. Improved access to – and consistency of – public data will make this kind of citizen action more feasible, allowing Runnymede and similar organisations to assess the performance of public bodies and engage in constructive dialogue. As argued above, it will be increasingly important for civil

society groups to fulfill this function at a time when local governments face cuts to essential services and formal structures of accountability are reduced.

4.8. Read more about our work at www.runnymedetrust.org