

Making Open Data Real: A Public Consultation

October 2011

1. 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?

Questions for consultation

The Government would welcome views on the following:

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

It will be important for Government to set the overall tone around open data and transparency, working in an open and collegiate way with the rest of the public sector. In order to create a presumption in favour of publication, Government should clearly communicate the business case for open data, and offer non-statutory guidelines that have been fully consulted on. Open data should be owned by public sector organisations outside of central government.

Data types that there should be a particular presumption in favour of publishing include: demographic data, performance data, and key business metrics (finance data, HR data, risk data etc). Emphasis should also be placed on publishing data in accessible, computer readable formats and with clear signposting. It is important that information is classified and the data sets held within IT systems across the public sector are understood, so that the intention to publish information is considered at the outset. Finally, attention is needed on updating/improving the current publication scheme, which is now outdated and should be a mainstay of the transparency agenda.

The measurement of resident's perception of a trusted and trustworthy organisation is could be an aspirational measure of authorities' success in providing transparency and openness.

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?

There could be a role for an independent body to safeguard the right to access and the right to data. This would need to be carefully scoped out and agreed with the affected sectors, however, to ensure that ownership of the open data agenda is not taken away from those organisations (local authorities) who will have responsibility for making it a success in practice.

The approach to establishing an independent body should be collegiate and discursive. The emphasis should be on working together in partnership with local government and other sectors to deliver public value, rather than on top down enforcement of the rules. The views of local communities and of their elected representatives (councillors) should

also be sought nationally as a part of the any process to establish an independent body with the power to safeguard the right to open data.

Alternatively, rather than creating a new organisation, the Government could decide to lead by example and put itself at the forefront in publishing data. It could also have a role highlighting examples where local authorities show best practice to positively encourage the sector to promote open data. This would create an overall environment where open data was encouraged and would also allow full ownership of the open data agenda at the most appropriate level, be that national or local.

The theme within the recommended practice is for the release of data to be demand-led. Authorities should be able to demonstrate that it has reviewed feedback through the mechanisms in which they receive information on residents' requirements - complaints, customer insight, FOI systems, rather than prescribing the data it releases.

There should be consideration paid to reviewing what role of local authority Audit Committees shall be regarding the transparency agenda. The recent consultation on audit arrangements going forward with the demise of the Audit Commission suggested a greater role for independent members on Committees and a role for hearing public interest questions. There should be a marrying up of these recommendations to this particular consultation.

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

Current regulation is sufficient but needs to be monitored. Specifically, the current DPA process is robust and needs to be maintained. There will be a challenge for local government to make sure it keeps its integrity as more and more data is made accessible, and that associated risks are managed (i.e. personal data is not published by mistake as a part of a wider publication of data).

The Data Owner is responsible for the data regardless of where it sits, as such there will be a challenge in ensuring compliance with transparency agenda and for data protection risks to be mitigated. There will need to be in place sound data sharing protocols between the authorities and their partners, with appropriate data quality standards in place.

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 key issue here is balance. Public bodies need to make as much relevant data available to the public as is reasonably possible, however in doing so being mindful that it should be demand-led as much as possible. We need to be aware that one consequence of greater transparency will be to drive more and different kinds of contacts with the public, costs, and time pressures.

Ideally, right to data should be embedded into day to day business management and planning as standard, much as equalities duties currently are. Right to data should be seen as business as usual. A key issue that all authorities will need to consider is whether their data quality standards and assurances are sound so that the public receive accurate information and enhance local accountability.

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

Information Governance Frameworks need to be established within public bodies that outline the information management requirements of the organisation in relation to ICT and service procurements. These should clearly include requirements relating to Open Data alongside those for DP, Data Quality, and Freedom of Information.

2.

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

Questions

The Government would welcome views on the following:

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

There might be a case for having a limited set of minimum expectations setting out what should to be published, as is the case with expenditure over £500. These standards will need to be substantially shaped and owned by public bodies, including local authorities, so that organisations publishing data agree with the reasons for doing so and perceive the process as adding public value locally.

It is not enough that data is simply made available; it needs to be published in a format that can be easily understood by non-experts. Contributions from external advisors in this respect may be valuable, eg. Google or Openly Local. Other tools that could be utilised to ensure compliance need to be positive in nature, for instance sector-led peer review, or national recognition for public bodies that show outstanding progress on making their data transparent.

Compliance through punitive measures could lead to disengagement, the tone should be positive.

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

Guidelines (not statutory) might be helpful, and consistent standards and definitions for user experience data would allow councils to compare their performance more effectively than is often the case at the moment.

There is a wide range of data already available that could form the nucleus of the right to data agenda, for instance the Single Data List for Local Government hosted by CLG, and the data held by the sector (via LGG) as a part of their “Inform” tool.

Government has a critical role to play in setting the overall tone around open data, as well as consistent standards, including leading by example.

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

The role of Government could be to set minimum expectations and tone around open data, with an expectation local government should measure itself against this and report these expectations.

3.

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?

Questions for consultation

The Government would welcome views on the following:

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.

Open data needs to be developed in a way which is fully compliant with and supportive of existing privacy and security considerations (i.e. DPA).

As well as clear requirements and guidelines of what data needs to be available, LAs need to see that publishing more data is in their interests in that it will be clearer where we are going wrong, where there is under or over spending, where there are performance issues as this can help stimulate improvement. It should also be used to reduce the burden of FOIs by publishing more data the public wants to see.

Elected members have a role to play, offering leadership and supporting the transparency and open data agenda locally.

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?

It is for LG to decide member-level or officer-level leadership and roles within their local authority. Advice or suggestions of what a 'champion' in board/committee could be usefully included in non-statutory guidance, including suggestion that the local authority considers producing relevant reports on the topic in relevant fora.

More broadly, being transparent shouldn't rest with one individual within a local authority, it should be something for all officers to consider when discharging their role,

Barnet Council has an "Information Governance Council" (IGC) which oversees compliance with the various information management areas within the Council, including transparency. In the IGC, it has proved useful to have one officer lead on data

protection and another on sharing / transparency, however all services feed into these leads to ensure all aspects in implementing the agenda is considered.

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

We need to support localism and local accountability and decision-making. A more intelligent and effective approach would be for Government to show leadership and by working through LGG as the sector representatives for local government. Enforcement, challenge or improvement activity would be more effective if it was conducted by peers.

This needs to be about positively harnessing citizen ingenuity and energy to inform public services. The opportunities should be emphasised to LAs. Any enforcement could be informal and incentive-driven, for instance through highlighting of non-participation on open data sites such as Openly Local / London Datastore.

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

4.

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?

Questions for consultation

The Government would welcome views on the following:

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

Data “Inventories” already exist in the form of the LGG Inform Tool, LAPS, CIPFA, VfM dataset etc. Where there is a national requirement for a common set (i.e. the Single Data List for local government) of data these should be collated into an inventory in order to realise maximum efficiency and allow effective benchmarking to take place.

Data inventories are currently useful for allowing informed decision making, benchmarking, setting budgets, making day to day management decisions, and population level needs analysis. Open data, if done properly, should enrich our approach to all of these things.

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

Value is established if data published as a part of the transparency agenda results in improved services and/or a greater constructive engagement of citizens with the decision making process. As outlined in section 1, data types that there should be a particular presumption in favour of publishing includes: demographic data and key business metrics (including performance data, finance data, HR data etc). Emphasis should also be placed on publishing data in accessible, computer readable formats and with clear signposting.

Emphasis should also be placed on publishing the data/information that residents say is important. For instance, if residents say that crime is a top issue for them, greater emphasis should be placed on publishing data relating to crime locally.

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

Government needs to follow the principle of **subsidiarity** that it has already strongly established. This means that it should publish data at the level most appropriate to it, including national population figures, finance figures, data around national and possibly regional issues etc.

Local authorities should take responsibility for publishing local figures from the local level, as these are better understood, owned, and acted upon locally.

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

There remains significant scope to reduce the size of the Single Data List (SDL) for local government that is managed by CLG. Many of the collections proposed for cancellation in the consultation were retained in the final list. Furthermore, care needs to be taken so that future iterations of the SDL do not expand.

Government (and LGG) need to set the expectation that councils will participate with local benchmarking groups, but leave freedom and accountability for using benchmarking data to public bodies locally/at the most appropriate level in line with the principle of subsidiarity.

5.

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

Questions for consultation

The Government would welcome views on the following:

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?

This is a particularly complex issue and probably needs to be considered separately. There would be potential opportunities to promote research areas, but also risks associated with early publication or of particularly sensitive research data.

A central portal would be preferable for accessing central government research and policy data – it need not own or store that data centrally, but at least provide a search and signpost function to make it easier for users (officers and citizens) to find what they want.

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

What is important is the public interest, and making relevant data available. This might include VfM elements on how money is being spent, in what areas, the LA's priorities, how we are performing on these and any risks. This needs to be in a manner that is easily accessible. The decision to publish data should be driven by how useful it is for the public rather than how easy it is for LAs to publish.

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

Publishing relevant data at adequate depth is priority. This will inevitably vary on a case-by-case basis.

6.

Innovation with Open Data: to what extent is there a role for government to stimulate enterprise and market making in the use of open data?

Question for consultation

The Government would welcome views on the following:

I. 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?

Yes. Government will be able to leverage maximum value by creating the conditions around open data that lead to genuine and organic innovation. For instance, it needs to be consistent and clearly articulate its aims and objectives for open data, as well as what the business case for open data is. If local government and the public sector grasped the nettle sufficiently, private sector innovation would also be stimulated to meet the growing demand. Furthermore, competition between private sector suppliers of open data solutions would allow the open data agenda to mature further.

There should be a focus on public confidence in the local authority (as well as in Government) and rewards/recognition based on being a trustworthy organisation, essentially opening up data should evidence that the authority believes it should be and will be held to account by its residents.

The public sector and its private sector suppliers need to be confident that open data is a long term policy with teeth, and that it will not wither on the vine if they are to commit substantial amounts of scarce resource.