

Eight years on from the OFT's CUIPI  
study:  
Lessons learned and remaining  
hurdles

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In 2006 the OFT completed its market study into The Commercial Use of Public Information (CUPI, looking at

- how well access to, and re-use of PSI were working;
- potential sources of detriment from not making available PSI, or offering such information with low quality at high prices and overly restrictive terms

OFT estimated the economic value of PSI to be around £500m, but with a potential value of ca. £1bn, thus identifying a detriment to the tune of £500m

The OFT made a number of recommendations aimed at addressing the problems identified

Competition and Markets Authority (CMA) has commissioned a review of the impact of the OFT's recommendations

# The OFT's CUPI recommendations

- PSIHs should distinguish between refined and unrefined data, following the definition proposed by the OFT
- PSIHs should make as much unrefined information available as possible for re-use
- PSIHs who are the only supplier of unrefined information should make the information available on the same terms to third parties as to their internal operations
- Prices should be based on cost, and accounting for upstream and downstream activities should be kept separate
- Licensing terms should not be overly restrictive (e.g. with regard to the type of re-use allowed)
- Guidance on pricing should be clearer
- The regulatory framework, including the IFTS, should ensure compliance with these recommendations
- Concerns about practices at Ordnance Survey should be addressed as a matter of urgency

# The government response to CUPI

Resistance to the idea that PSIHs should differentiate between refined and unrefined information, but agreement to:

- encourage expansion of IFTS to cover all PSIHs with PSI income above £100,000
- require all trading funds to provide plans for their approach to further opening access to their information
- improve guidance documents for PSIHs
- improve accountability by requiring accounts to state compliance with cost allocation and pricing principles

Further work on possible charging models for Trading Funds (the 'Cambridge study')

# Much has happened since then... dot.econ

## OFT CUPI market study (2006)

## Power of Information review (2007)

A 'rapid review' commissioned 2 months after CUPI

## Government response (2007)

The responses to CUPI and POI are published simultaneously as a kind of 'joint response'

## HMT Managing Public Money Guidance (2007)

Includes annex on charging for PSI

## Cambridge study (2008)

As announced in the responses to CUPI and POI

## POI Task Force report (2009)

Task Force created in 2008 in response to POI review

## Trading Fund Assessment (2009)

Announced with 2008 Budget; brief findings feeding into 2009 Budget

## IFTS changes (2009)

Enhanced regime, including introduction of new principles

## New OS business strategy (2009)

Several changes announced, many ongoing over the next few years (e.g. new licensing framework)

## Widespread open data releases (2009 onwards)

Gordon Brown announces open data releases in late 2009, including Ordnance Survey OpenData  
David Cameron announces further commitments (July 2011 letter and 2011 Autumn Statement)

## Amending PSI Directive (2013, implementation 2015)

Recent consultation on implementation by The National Archives

Understand *what* impact the 2006 CUPI study had, and *how* its recommendations fed through to changes

This presents several challenges...

- Fast-changing market with many different policy-makers and stakeholders
- The CUPI study is an example of the OFT/CMA's Competition Advocacy function – effects likely to be more indirect than in enforcement interventions, working through impact on subsequent policy initiatives
- Huge range of types of PSI and of markets that are, or could be using PSI as an input – difficult to measure the economic value of PSI (especially measuring innovation benefits)

- Understanding the context of CUPI in 2006
- Understanding how policy-makers, PSIHs and PSI users responded to CUPI
- Understanding PSI re-use now, and the changes since 2006 – progress made, remaining concerns
  - Where there have been **improvements**, to what extent can these be attributed to CUPI's influence (rather than other interventions that would have happened anyway, changing policy priorities or technological change)
  - Where there are still **problems** in the areas identified by CUPI, why have the CUPI recommendations not had the desired impact?

# How might CUPI have affected PSI markets?

- Raising awareness of issues (among policy-makers, PSIHs, PSI users), stimulating debate and steering it towards important concerns
- Accelerating the process of change
- Providing greater clarity about what constitutes good practice and what is unacceptable behaviour
- Provoking changes in behaviour of PSIHs
- Causing improvements in guidance, regulatory and legal frameworks
- Informing future policy decisions



# Definite improvement since 2006...

- Evident increase in the volume of PSI made available – but to what extent is this a consequence of the CUPI study?
  - Technological change is likely to have played a major part
  - Costs of collecting and releasing PSI have fallen
  - New possibilities for re-use have increased the demand for PSI
- Evident increase in the volume of PSI made available as Open Data
  - There seems to have been a new political impetus since 2009 focusing on increased transparency
  - To what extent can this be traced back to the CUPI study?

New re-uses of PSI have emerged and are benefiting consumers

Deloitte estimate of value of PSI at £1.8bn (2011 prices)

- Continued perception of tension between the ***Trading Fund model*** and the objective of maximising access to, and re-use of PSI
- It is now easier than ever to link and merge datasets, so ***derived data restrictions*** can be a substantial barrier to re-use
- ***Continued complaints about access to OS data***, not least because of their importance as key to linking up other data
- ***Dissatisfaction with complaints and enforcement*** process among PSI users – lack of enforcement powers, differences between recourse under IFTS and re-use regulations, etc.

- Do you see CUPI as a milestone in the PSI debate?
- Did PSIHs make tangible changes in response to CUPI?
  - Increase in range of information made available
  - Simplification of licensing
  - Lower/more transparent charging
- What is the evidence of these changes taking place and of the resulting benefits?
- What other studies or interventions have affected PSIHs' behaviour?
- What are the problematic issues today?
- What are their root causes?

# Thank you!

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