



## ADVISORY PANEL ON PUBLIC SECTOR INFORMATION

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**Date:** Thursday 17 September 2009

**Time:** 11:00 am – 3:45 pm

**Venue:** Ministry of Justice

**Chair:** Professor David Rhind CBE

**Deputy Chair:** Peter Wienand

**Secretariat:** Grazia Zaffuto

**Attendees:**

**Members:**

Neil Ackroyd, Representative Member, Trading Funds

Mike Batty, Expert Member

Stefan Carlyle, Representative Member, Information Providers

Chris Corbin, Expert Member

Eric Davies, Representative Member, Library and University Community

Keith Dugmore, Expert Member

Christine Gifford, Representative Member, Information Management Community

Michael Jennings, Representative Member, Local Government

David Lammey, Representative Member, Northern Ireland

Hilary Newiss, Expert Member

Hector MacQueen, Representative Member, Scotland

Michael Nicholson, Expert Member

Shane O'Neill, Expert Member

Bill Oates, Representative Member, Wales

John Ponting, Expert Member

Prabhat Vaze, Expert Member

Phillip Webb, Expert Member

**Contributing member** Patricia Seex, Economist / International Expert

**Non-members:** Carol Tullo, Director of OPSI part of the National Archives

Jim Wretham, Head of Information Policy, OPSI

Marcia Jackson, Head of Standards, OPSI

## 1. Welcome, apologies and introductions

1.1 The Chair welcomed members to the 24<sup>th</sup> meeting of APPSI.

1.2 Apologies were received from John Gray.

1.3 The Chair informed the Panel that three members – Mike Batty, Hector MacQueen and John Ponting – had been reappointed by Michael Wills, Minister of State for Justice.

1.4 Prabhat Vaze, APPSI's Economics Expert, informed members that he has left the Department for Transport and is now Director of Strategy at the Ministry of Defence.

## 2. Minutes and actions of the last meeting

2.1 **ACTION:** The Secretariat will include Phillip Webb on the list of attendees in the previous minutes, as he was erroneously omitted.

2.2 **ACTION:** The Secretariat will correct a typographic error in paragraph 3.1 of the previous minutes.

## 3. Update from OPSI / The National Archives

### 3.1 New Initiatives

- **Making Public Data Public Initiative.** Following Sir Tim Berners-Lee's appointment in June 2009 as the Government's expert adviser on public information delivery, there has been Ministerial support for proactive release of datasets in central government. Political leadership is clear and now there needs to be administrative action across departments. OPSI is working closely with the Cabinet Office on both the technical release of linked data and also the action plan around the wider policy, which includes:

- Compliance with re-use regulations across wider public sector
- Consistent set of licensing rules
- Consistent and open standards for data
- Marginal cost pricing
- Effective enforcement
- Proactive release.

Briefings and meeting with: the APPSI Chairman, Shane O'Neill, the APPSI Secretariat, Sir Tim Berners-Lee and Professor Nigel Shadbolt met during the month. Sir Tim and Professor Shadbolt also joined a platform discussion at the London Linked Data event on Government Data on 9 September 2009 (see 7.5).

- **The exceptions to marginal cost pricing and the criteria to measure the progress of the new Ordnance Survey business strategy** were posted to OPSI's blog PSIPerspectives on 28 July 2009 at the following URLs:

<http://perspectives.opsi.gov.uk/2009/07/exceptions-to-marginal-cost-pricing.html>

<http://perspectives.opsi.gov.uk/2009/07/ordnance-survey-licensing-pricing-review-measures-and-outcomes.html>

- **Transactional licences.** OPSI is moving away from the direct day-to-day licensing operations on behalf of other departments/agencies for the re-use of Crown copyright material that involves payments being made. OPSI is encouraging marginal cost re-use

which means that if government departments wish to charge for their information they must pass a number of criteria which OPSI have set. It will then be up to the department to manage that licensing process under delegation and OPSI oversight. This measure has been taken to reinforce OPSI's independence and governance role.

- The Chair of the Australian Government's newly appointed **Government 2.0 Taskforce** invited Carol Tullo, Director of OPSI to join the group, which will involve some engagement by phone, e-mail and postings on the Taskforce's blog. The Government 2.0 Taskforce is similar to the UK Power of Information Taskforce set up in response to the POI Review.
- **PSI in Action: transforming the information landscape conference** organised by Civil Service World will be held on 20 October 2009. The programme has been finalised and registrations are now open at <http://www.psiinaction.co.uk/>.
- **UK Location Information Infrastructure Blueprint:** Two Location Programme documents - Conceptual Model (short paper) and Blueprint (detailed document) have been developed following a series of stakeholder workshops. There is general agreement by the Location Council regarding the Conceptual Model, which has been recently updated in the light of recent changes arising from the completion of the Blueprint. The next Location Council meeting is on 18 September 2009.

### 3.2 PSI Policy Developments

- OPSI continues to hold key meetings relating to the development of the **Ordnance Survey business strategy** to discuss the first of the licences submitted for review.
- OPSI is working closely with **Local Government** to develop a solution to the property search question. This is a vibrant, highly competitive market which relies on local government providing core information. However, following the Information Commissioner's decision notices, local government has been told that the information should be free for inspection under the Environmental Information Regulations. Although this gives private search agents no right to re-use, potentially it could cut off cost recovery for local government who can't stop people looking at it. OPSI is working to find a solution.
- The European Commission is commencing a research project that (i.) will develop appropriate indicators to monitor PSI re-use over a period of time; and (ii.) analyse the economic case for marginal costs. The first meeting of working group taking forward this research is likely to be held in October 2009.
- The EC has been working on a Ministerial Declaration on e-Government that also covers re-use of public sector information. On the eve of the 5<sup>th</sup> Ministerial e-Government Conference 2009, 18 November 2009, Member State ministers responsible for e-Government will meet to agree on the Ministerial Declaration. Declarations such as these are eventually turned into Commission action plans with specific work strands.
- **Washington DC:** Carol Tullo, Director of OPSI, attended the annual Library of Congress Global Legal Information Network conference from 1<sup>st</sup> September – 4<sup>th</sup> September 2009. This conference brought together Directors responsible for the official publication of legislation. It provided the Director of OPSI a rare opportunity to promote collaboration, represent UK and EU interests and also to make contact with opposite numbers in the new administration. Use of social media, the openness agenda, the UK risk-based liberalisation of information for re-use, Crown copyright licence approaches and how the UK communicates the benefits of the information economy were key issues. The Director of

OPSI gave a presentation to the Federal Web Managers and Chief Information Officers Forum, held informal meetings with key contacts at the National Telecommunications and Information Agency and the White House Chief Technology Officer's team on the UK government's shared approaches to data.gov projects. The Director of OPSI also met the US Public Printer in relation to the official release of federal data and explored the US concerns to protect the integrity of their data.

- **EU Forum of Gazettes:** This year, the UK was given the chairmanship of the EU Forum of Gazettes which meant that OPSI was obliged to host this annual event in London, attended by official representatives from Member States, candidate countries and observers on legislation. The theme of the event, which was held on 10 September – 11 September 2009, was the transformation of legislation through technology tools. This took the delegates on a journey through UK legislation process, illustrating how technology innovation has been driving re-use and accessibility of core PSI in Europe. The US GLIN Director offered options for alignment and cooperation of data and an announcement was made for a merged body in France to take on PSI policy.

### 3.3 Discussion

3.31 The following key points emerged from the discussion:

- The Director of OPSI said that across the wider public sector discussion continues on the issue of making the re-use of public sector information mandatory.
- The representative for Scotland said that the Statute Law Database was consulted and found to be out of date in a recent HMRC case and asked how and when the Database will be updated.
- The Director of OPSI explained that the team working on the Statute Law Database joined the Information Policy and Services Directorate at The National Archives at the beginning of the year. The team is working on simplifying and improving the navigation tools and in particular, making clear which legislation has been enacted in its original format and which legislation is presented in its revised text.
- UK legislation is usually made available online approximately 30 minutes after it has been given Royal Assent. The UK has set the bar high for other European countries but we must also take into account that it is difficult to compare ourselves to other nations because we are not measuring like with like.
- The Wales representative said that an IT Wales Board suggested investment in IT legislation software to manage a bilingual issue but this was rejected on the basis that the cost was too high and that it must have been resolved elsewhere.
- The Wales representative made the point that Wales should be included in the encoding of legislation and volunteered to work with OPSI officials to progress this work. The Director of OPSI said that the Legislation Processing Forum is the correct route to take on this matter and will provide further details about this to the Wales representative.
- The Wales representative said that Wales should be included in the data.gov.uk policy and offered to help drive this forward.
- The European Expert expressed concern that the re-use of PSI agenda was being dominated by the Cabinet Office and 10 Downing Street.
- The Director of OPSI explained that she draws on teams of experts across government to push the PSI agenda forward and the interest from the Cabinet Office and influence of the Department of Business Innovation and Skills was welcomed.
- One member asked if Sir Tim Berners-Lee would consider the release of the Postcode Address File (PAF) for non-mail re-use of postcodes.
- The Chair of APPSI explained that he took the opportunity to discuss PAF with Sir Tim Berners-Lee during their meeting on 15 September where Sir Tim said that this was an issue that needed to be resolved.

#### 4. OPSI's enhanced regulatory role

4.1 The Chair of APPSI welcomed Marcia Jackson, Head of Standards at OPSI, who gave a presentation and led a discussion on OPSI's enhanced regulatory role. The presentation can be accessed on the APPSI website at URL: <http://www.appsi.gov.uk/2009/09/17/24thAPPSIMeeting>

4.2 The speaker covered the following key areas in her presentation:

- **The Operational Efficiency Programme 2009** sets out OPSI's role to provide enhanced oversight and governance to ensure the application of the Information Fair Trader Scheme (IFTS) is applied across the Trading Funds.
- **IFTS enhancements** – new principles have been added to raise the bar on IFTS which ensures that
  - Information is easily available – wherever possible at low or marginal cost
  - A clear and transparent pricing structure for the information is made available
  - Public tasks (core purposes of trading funds) are clearly and independently defined.
- **Further IFTS tests** – these include
  - Exclusive arrangements (none permitted)
  - Public Task clarity
  - Upstream/downstream separation
  - Licensing exceptions
  - Website review
  - Licence review
  - Guidance, policies, training.
- **Exceptions to marginal cost pricing** – OPSI mandates that most government information should be made available at marginal cost and where departments wish to charge, they will be assessed by OPSI to ensure the charge is justifiable.
- **Complaints and mediation** – OPSI has a statutory role in the investigation of complaints under the PSI Regulations and it can also investigate complaints under IFTS.
- **Supervision of Ordnance Survey** – OPSI has been working with the Office of Fair Trading to supervise Ordnance Survey's licensing and pricing review.
- **Future plans** include
  - Local government property search information – what to do about it.
  - Continuation of the Licensing Forum which brings together licensing practitioners across government to achieve consistency and share best practice
  - Derived data policy – this is in draft form but requires more work. OPSI would welcome APPSI's views on this policy
  - Set out official publishing policy which ensures that agreements with publishers are clearly drawn
  - UK public data initiative
  - Work with Ordnance Survey.

4.3 The following key points were made during the discussion:

- The Chair of APPSI said that the Panel would be pleased to provide its views on OPSI's derived data policy.
- The Standards team receives a lot of complaints that are not IFTS-related.
- The speaker pointed out that some government departments continue to maintain exclusive agreements.

- The speaker explained that departments are required to make a justification of their pricing policy on their website, which would then be tested by the IFTS audit team.
- One member commented that the exceptions criteria is challenging and asked on what basis the judgement will be made. The speaker said that the criteria varies in each case but fundamental aim is to ensure transparency.
- The Wales representative said that the Coal Authority (which joined IFTS in April 2009) denied the Welsh Assembly Government access to aerial photographs that it wants to digitise. The speaker said that one of the principles of IFTS is 'maximisation' which sets out an obligation to all re-use, and that she [Marcia Jackson] would take up this matter with the Coal Authority to ensure that this principle is applied correctly.

## 5. Update from the Shareholder Executive: Ordnance Survey's new business strategy

5.1 The Chair of APPSI welcomed Charlie Villar and Jessica Skilbeck from the Shareholder Executive.

5.2 The speaker, Jessica Skilbeck, covered the following areas in her presentation, which can be accessed on the APPSI website at URL:

<http://www.appsi.gov.uk/2009/09/17/24thAPPSIMeeting>:

- **Recap on Ordnance Survey's (OS) New Business Strategy announced in the Budget 2009** – OS's new business strategy will
  - Be a self-funded revenue model to maintain data quality and responsiveness
  - Stimulate innovation from use and re-use of information
  - Ensure that Ordnance Survey is sustainable in the medium term.
- **Shareholder Executive's focus from April – October 2009** covers
  - Enhanced OS OpenSpace service
  - Commercial upgrade path (OS OpenSpace Pro) up and running
  - GeoVation network being promoted through developer events
  - New one-page licences in place that allow experimentation with any OS datasets for free
  - New business framework has been discussed with OPSI in preparation for publication in October
  - Roll out of changes to customers through to April 2010
  - Working with Local and Central Government on a partnership approach to data provision and use
  - Consulting with OS Unions on programme of voluntary redundancies
  - Business Plan well developed for B2C [Business to Consumers. In an e-business context, using internet technology to enable interaction between a business and its consumers].
- **Challenging questions remain on how best to drive policy and delivery** – APPSI's views welcome on this.

5.3 The following key points were made during the discussion:

- The speakers said that fundamental questions remain about the medium term strategic vision but it was not for OS to lead on the solution. The Shareholder Executive's remit was to represent the Department of Communities and Local Government.
- Shareholder Executive is engaging with the Cabinet Office team on both the data.gov.uk initiative and the wider policy proposals but is finding it difficult to align these developments with the delivery of OS's new business strategy.

- The data.gov.uk policy is welcomed by the Shareholder Executive but it compresses the timetable that has been agreed to deliver OS's new business strategy.
- One member commented that both government policy and practice are inconsistent which is impeding the shift to a user driven supply of information. The Shareholder Executive representatives said that the OS new business model will not work effectively unless potential customers set out what they want. One member pointed out that if government data is not provided for free then it will be the commercial suppliers who will be concerned with what customers want. The Shareholder Executive said that it was important to work with Sir Tim Berners-Lee and the data.gov.uk initiative in order to find out what datasets customers want released. The Shareholder Executive also said that it is important to consider what information government will need to procure in the future and how it will do it whilst also maintaining the integrity of the information.
- One member pointed out that it is important to determine what data OS will release for re-use and who is responsible for the licensing of derived data.
- One member pointed out that government procurement in the geospatial information area is focused on what already exists. He also said that much of the problem derives from the fact that the public task is not clearly defined. A large majority of APPSI members believe that the public task needs to be defined and that a clear separation is established between upstream and downstream functions.
- The Shareholder Executive said the next three months should be seen as a rare opportunity to consider these questions and put in place a structure which will facilitate change in the medium and long term.

5.4 **ACTION:** The members agreed that they would send the Chair of APPSI and the Secretariat their ideas for a paper to the Shareholder Executive which recommends proposals for a way forward in the short and medium term by Tuesday 22 September.

## 6. Making Local Government Data more accessible: the role of [www.openlylocal.com](http://www.openlylocal.com).

6.1 The Chair of APPSI welcomed Chris Taggart, the developer of [www.openlylocal.com](http://www.openlylocal.com).

6.2 The speaker covered the following key points in his presentation, which can be accessed on the APPSI website at URL: <http://www.appsi.gov.uk/2009/09/17/24thAPPSIMeeting>:

- Why open up local government information?
  - Local media are dying
  - The goal posts of an 'acceptable website' are moving
  - Local budgets are going to be tightened and services cut
  - Open access to raw information leads to innovation and added value.
- Benefits of [www.openlylocal.com](http://www.openlylocal.com)
  - Clean, bare, simple, easy-to-use
  - Scrapes local authority websites – 70 scraped so far
  - Parses the rough and ready information
  - Structures data
  - Matches up council data with other references and datasets from central government and Guardian Datastore
  - Makes the whole thing available in open form as an accessible web page, XML, JSON data, or RDFa
  - Users could subscribe to meetings, filter minutes and agendas by keyword, subscribe to RSS feeds for alerts.
- Drawbacks include:

- Copyright issues
- A number of bad websites which make it difficult to get information out
- Lack of core infrastructure data to tie things together
- Much of the information is not online
- Huge amounts of information is unnecessarily in PDF and Word documents.

6.3 The following key points were made during the discussion:

- APPSI's local government representative said that
  - there were no standardised best practice recommendations for local government to follow in making their data available for re-use.
  - the quality of local authority data is variable.
  - local authorities need PDF formats on their websites to stop people tampering with statutory information.
  - it is important to take into account that some people want a finished product in terms of data provision whilst others want the raw data – both audiences should be considered.
- Another member said that if local authority data was regarded as public sector information then opening up data for re-use would be a lot simpler.

## **7. APPSI update**

### **7.1 APPSI's opinion on the European Commission Communication on the EC Directive 2003/98/EC and European PSI report**

- APPSI's European Expert submitted two papers to the Panel (see Papers 5 & 6 on the APPSI website at URL: <http://www.appsi.gov.uk/2009/09/17/24thAPPSIMeeting>) in advance of the meeting. The paper setting out APPSI's opinion on the European Commission Communication (Paper 6) puts forward two proposals for members to consider:
  1. That APPSI produce and publish a response to the Commission's Communication. As part of the process APPSI should request a copy of the written submission (OPSI-MoJ) to the UK Houses of Parliament (as it is not in the public domain).
  2. That APPSI review annually progress on the recommendations and publish a public statement (either separately or within the APPSI annual report).
- No action will be taken at present regarding the two proposals set out above. The questions might be reconsidered in the future.

### **7.2 INSPIRE Directive**

- APPSI's representative leading the INSPIRE Directive Programme submitted a paper to the Panel in advance of the meeting which gives an update on the programme's developments since the last APPSI meeting in July 2009 (see Paper 7 on the APPSI website at URL: <http://www.appsi.gov.uk/2009/09/17/24thAPPSIMeeting>). Developments on the INSPIRE Directive Programme are going well (nothing further to note).

### **7.3 National Address Register**

- Councillor Ian Swithenbank CBE, Chairman of the Improvement and Development Agency (IDeA) has sent a letter to the Rt. Hon John Healey MP, Minister of State for Housing and Planning pointing out that Sir Michael Scholar, Chairman of the UK Statistics Authority and

Dr Tony Wright MP, Chairman of the Public Administration Select Committee have also sent letters to John Healey on the topic of a national address register. It is the Chair of APPSI's understanding that other letters have also been sent on this issue.

- The letter from Ian Swithenbank asserts that the IDeA and Local Government Association (LGA) are also pushing for a national address register but disputes have hampered its development. IDeA is now proposing that it has discussions at Chair and Board level with Ordnance Survey (OS) to discuss possible changes to OS's licensing terms, the processes of creating and collating address data, and the definition of OS's Public Task. The letter says that both parties have committed to an open and positive dialogue to seek solutions by October 2009.
- **ACTION:** The Chair of APPSI proposed that the Panel offers a paper / presentation to the Statistics Authority on the issue of a National Address Register. The Panel welcomed this idea.

#### 7.4 Meeting with Sir Tim Berners-Lee, Professor Nigel Shadbolt and Andrew Stott

- This was a positive meeting, held at the Ministry of Justice on 15 September 2009 with the Chair of APPSI and Shane O'Neill. The following points were made during the meeting:
  - It was suggested that people who create the change to data should pay for it.
  - It was agreed that national addressing data needs to be part of [www.data.gov.uk](http://www.data.gov.uk).
  - APPSI members said that health data should be included in data.gov.uk but it was agreed that data.gov.uk should concentrate on the quick wins.
  - One of the attendees said that the re-use agenda was as much about a change of culture in government as simply finding data – it must be made clear what is private data and what data can be re-used.
  - The discussion included the importance of accuracy e.g. in mapping – a single master framework provides widespread benefits.
  - It was confirmed that there would be a formal launch of data.gov.uk but a date and a communications strategy have not yet been fixed.
  - The Obama initiative is about transparency of data and the UK initiative is primarily about re-use which also includes transparency.
  - Sir Tim Berners-Lee and Professor Nigel Shadbolt put forward two questions for the Panel to consider:
    1. Does anyone have any suggestions as to which government data sets should be opened up?
    2. Look at Sir Tim-Berners-Lee's terms of reference – what policy should government focus on? How could things work better?
- **ACTION:** The members agreed to send the Secretariat their answers to these two questions by Monday 21 September 2009. [Afternote: it became clear from the submissions and discussions with the interested parties that it was more appropriate to create an over-view, single document which sought to address the Sir Tim Berners-Lee, Professor Nigel Shadbolt and Shareholder Executive questions and issues. This document was agreed by circulation and sent to Michael Wills, Minister of State for Justice, Sir Tim Berners-Lee, Professor

Nigel Shadbolt, and Andrew Stott, Director of Digital Engagement at the Cabinet Office in the first week of October 2009].

## 7.5 APPSI Annual Seminar

The Secretariat said that she had made progress in putting together an agenda and inviting external speakers to the event which will be held on 10 December 2009 at the Ministry of Justice.

**ACTION:** The Secretariat agreed to circulate the draft agenda to APPSI members.

## 8. AOB

8.1 APPSI's European expert said that the Ministry of Justice published on 16 September 2009 a response to the consultation on local government charges related to the land charges register that was held from 18 January 2008 to 18 April 2008. The Ministry of Justice has policy responsibility for the local land charges under the Local Land Charges Act 1975. The consultation paper discussed how the fee for a personal search of the local land charges register should be set and whether the fee should be changed. There were 858 responses to the consultation. In light of the responses, the government has concluded that the fee for a personal search of the local land charges register should be increased from £11, the level at which it was set in 2003, to £22. This increase balances the interests of local authorities, the private sector and consumers. The new fee will come into force on 1 January 2010. The document (36 pages) can be accessed at:  
<http://www.justice.gov.uk/about/docs/local-authority-property-search-response-iv.pdf>

8.2. APPSI's local government representative said that part of the APPSI Seminar agenda in December 2009 should be devoted to public task and the *Making Public Data Public* initiative.