

A P P S I

Realising the Value of Public Sector Information

ANNUAL REPORT

2008-09



Ministry of
JUSTICE



ADVISORY PANEL
on Public Sector Information

Advisory Panel on Public Sector Information

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The 2008/09 year has been a hugely significant one as far as re-use of public sector information (PSI) is concerned. It has seen the publication of several substantial official reports on aspects of this topic and various UK Government responses to them. A major element of national discussions has been the vexed issue of charging and licensing of Crown copyright material created by Trading Funds, notably Ordnance Survey. In addition to reports directly focused on PSI however there have been others which underpin any successful use of information already collected by the public sector, such as that on data sharing and that on security of government's holdings of confidential information about individuals. The year has also seen a review by the European Commission (EC) of the way the PSI Directive was implemented across the Union, leading to court action against eighteen countries for alleged failure to convert the EC Directive into appropriate national regulations.

Meanwhile, the development of new technology tools and their ever greater ease of use has encouraged many innovations in PSI. Indeed, government can claim several real successes in this arena, notably the 'Show Us A Better Way' competition run out of the Cabinet Office. It attracted hundreds of entrants who demonstrated many possible ways to re-use PSI to the benefit of citizens. The rise of Web 2.0 concepts, whereby the public contribute to the quality and richness of government information sets or even create their own from scratch, has been striking. The age of government being an ivory tower remote from business and citizens, providing information where it seemed essential and receiving deference from all quarters, is long since past. And the relationship between the state and its citizens and businesses is being further re-shaped by technology, PSI and innovation.

As this report goes to press, the outcomes of all this – notably government's evolving policies on information copyright and licensing – are still embryonic. Indeed it will be at least a year before we see the full details of some changes now under way. But what is already increasingly obvious is that – whilst there are some particular PSI issues in the UK – there is an increasing globalisation of the nature of what is possible and of the debate on what should be encouraged.

The Advisory Panel on Public Sector Information (APPSI) has been well-placed to meet its remit of providing advice to Michael Wills, Minister of State for Justice and to the Director of the Office of Public Sector Information (OPSI) because its members are drawn from highly experienced practitioners and academic experts, many with strong international links. They work in branches of the commercial information industry, in government, in universities or the IT industry; some are executives, others are consultants or professional advisers (e.g. to the European Commission). Drawing from all this expertise and goodwill, we have sought to highlight success to be emulated wherever we can and to be constructively critical where necessary. I believe we have fully fulfilled our remit, as we set out later in this report.

I am grateful to all of those who helped APPSI make progress and contribute as we are mandated in 2008/09. I am particularly grateful to our Minister, Michael Wills, Minister of State for Justice, for his deep personal interest in the re-use of PSI and his encouragement of our work. The APPSI team members – who give their time for free – have been challenging but fair and have respected the possible conflicts posed for some by virtue of their employment in organisations engaged in commercial dealings. In the course of the year a number of members – Michael Allen, Avinash Persaud, Christopher Roper and John Thornton – retired from the Panel and were replaced by Michael Jennings, David Lammey, Bill Oates and Prabhat Vaze. We also sought to expand our international horizons by appointing Patricia Seex, who is based at the World Bank in Washington DC, as a contributing member. I thank those who have retired for their considerable contributions and welcome their successors to APPSI.

The Director of OPSI – together with her staff – has invariably been helpful and supportive. The Chief Executive of The National Archives, the parent body within the Ministry of Justice for OPSI, has encouraged us to be pro-active as well as responding to the views of others (which we have gladly embraced). All of the APPSI members have gained from expert presentations given to us by a wide range of eminent speakers from key organisations so we owe them a debt of gratitude. And finally, I am very grateful indeed to the APPSI secretary, who has been the engine behind all our activities and without whom much less would have been achieved.

We all live in a world of rapid change where constant innovation is needed to meet rising expectations of service levels, financial targets and business needs as well as supporting social and democratic needs. This places serious responsibilities on government at all levels and gives APPSI a serious role. Though the UK situation is much improved from what it was a few years ago – and we are regarded by officials in the European Commission as leading on PSI re-use in the European Union – there is still much to be done. In part this is because awareness of the re-use agenda is still much lower than it should be. At a recent conference I asked the 70 middle-ranking representatives from local and central government, the NHS and other public bodies how many of them had heard of OPSI and APPSI: one tentative hand went up. We aim to improve the situation in the years to come!



David Rhind

Chairman of the Advisory Panel on Public Sector Information
15 July 2009

Why do we exist?

The histories of the Internet and the World Wide Web are short: the first global network using standardised protocols was launched in 1982 whilst the web dates from 1989/90. Since then they have revolutionised many aspects of human life and experience. Recent developments facilitate the delivery of services to customers and citizens, fostered new businesses and provided near-universal access to knowledge and information. The technology and the uses to which it is put are mutating rapidly. Government is seeking to exploit these developments for public good and created APPSI to obtain advice on new opportunities to exploit public sector information, likely further developments and potential consequences.

Who are we?

APPSI was established as a Non-Departmental Public Body of the Cabinet Office in April 2003. In October 2006, APPSI became a Non-Departmental Public Body of the Ministry of Justice (then the Department of Constitutional Affairs).

APPSI's terms of reference apply to England, Scotland, Wales and Northern Ireland. APPSI's role is:

- To advise Ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information;
- To advise the Director of the Office of Public Sector Information and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry, so that the licensing of Crown copyright and public sector information is aligned with current and emerging developments;
- To review and consider complaints under the Re-use of Public Sector Information Regulations 2005 and advise on the impact of the complaints procedures under those regulations.

Membership

The members of APPSI are drawn from a wide variety of backgrounds including information and technology providers, re-users and consumers of public sector information, experts from academia and industry, representatives of producer and consumer groups, and representatives from the four countries of the United Kingdom.

The members of APPSI are listed in Annex B.

What is in this report?

This Report covers the period from 1 April 2008 until 31 March 2009; and is structured around APPSI's terms of reference. Section One provides details of the advice that APPSI gave in 2008 to Michael Wills, Minister of State for Justice. It also sets out the responses APPSI made to various official consultations that are central to the re-use of PSI agenda.

Section Two sets out the key issues emerging from policy developments which APPSI has discussed and debated at its meetings and annual seminar. In the past year APPSI's focus has been framed by specific reports and initiatives central to the PSI agenda, such as the Trading Fund Assessment, the Power of Information Review and the Data Sharing Review. APPSI meetings were substantially structured around these key reports – in which their authors described and debated what led them to their conclusions – in order to help shape our advice on policy and practice.

Section Three describes the work undertaken by specific members of the Panel in reviewing APPSI's complaints review function. The objective was to assess the extent to which this function provides an effective mechanism for solving complaints relating to the non-compliance of the PSI Regulations.

Section Four focuses on APPSI's role in spreading knowledge and awareness of the value of PSI. Through conference appearances and regular meetings, our intention is to increase insight into, and commitment to, the current and latent value of re-using PSI.

Section Five looks at the year ahead and sets out the areas that APPSI plans to engage with in order to help progress the PSI agenda.

The last section of this report outlines the costs of operating the Panel during the financial year 2008-09.

Response to the Cambridge Study

In April 2008, the Minister Michael Wills attended the 18th meeting of the Panel to hear a presentation from the principal author of the Cambridge Study Report¹ and APPSI's economics expert's response to this Report.² The Cambridge Study was commissioned by HM Treasury. It analysed the impact of adopting different models for the provision of PSI by trading funds. The terms of reference were to examine the cost and benefits for society, and the effects on government revenue, of four different charging policies: profit-maximisation, average cost (cost-recovery), marginal cost and zero cost; both on their own and when interacted with various data distinctions such as raw versus value-added, and unrefined versus refined. The Study focused on the six largest trading funds by data provision. Based on an analysis of the limited data available to them and a series of assumptions – which the authors judged to be conservative – the Study concluded that:

- In most cases, a marginal cost regime would be welfare improving (that is, the benefits to society of moving to a marginal cost regime outweighed the costs).
- A change in charging regime should not have a detrimental impact on the performance of trading funds in terms of efficiency or data quality, providing suitable governance and regulatory regime is put in place.

With major input from APPSI's economics expert, the following responses were made to the Cambridge Study Report:

- the rigour of the research methodology and framework was a major improvement on prior work internationally in this field;
- the Study was limited by remit to trading funds but there is probably as much potential in non-trading funds such as Local Authorities and the NHS;
- while the focus on pricing issues was again understandable, non-price issues such as awareness of the data available and the delivery format of the data were as critical to widespread use.

The bulk of APPSI members welcomed the Report's support for the objective of marginal cost pricing of data – in practice this implies a near-zero price. However, members noted that it is hard to estimate the societal value of this step. Pricing points are few and far between and their relevance is limited by being made by non-commercial organisations operating in a non-market environment. Moreover, traditional economic frameworks have difficulty valuing products with zero prices. For instance, enormous value is placed by the capital markets on Facebook, Youtube, Google and Wikipedia, even though user prices are zero. Consequently, politicians would have to decide more in terms of vision rather than definitive results from data analysis which route they should take. That said, this Study made clear the need for more effective regulation of government bodies operating in commercial markets.

¹ See <http://www.berr.gov.uk/files/file45136.pdf>.

² See <http://www.appsi.gov.uk/minutes/2008-04-22.pdf>.

Letter to Michael Wills, Minister of State for Justice

In July 2008, APPSI wrote a letter of advice to the Minister. This advice emerged from our long and detailed response to the European Commission's Review of the EC Directive. Our letter highlighted a number of prime 'blockages' in the PSI arena and makes specific recommendations to overcome these 'blockages' at national rather than at European level. The key points set out in our letter to the Minister included:

- The EC Directive and PSI Regulations do not currently make it mandatory for public sector bodies to make their information available for re-use. To maximise the value of PSI, the UK PSI Regulations need to be amended to make re-use of information compulsory for all public sector bodies;
- The EC Directive and PSI Regulations have little power to enforce penalties to prohibit breaches of the EC Directive or PSI Regulations. OPSI's position as a regulator may therefore need to be strengthened;
- A proper process is needed to define 'public task', i.e. what public sector organisations are allowed to do;
- Pricing issues have long been a contentious issue and are a main barrier to wider PSI exploitation. Past reports have indicated that releasing more PSI for re-use for free, or under a different pricing structure, can be beneficial to the economy. However, government funding would be required to ensure the quality of the information is not compromised.

APPSI's full advice to Michael Wills, Minister of State for Justice can be accessed at: <http://www.appsi.gov.uk/reports/minister-letter-ec-submission-07-2008.pdf>

1. ADVICE TO GOVERNMENT AND OTHER PARTIES

Response to the European Commission's Review of the EC Directive 2003/98

APPSI welcomed the Review of the EC Directive as an important contribution to the growing national and international debate about how PSI might best be exploited. In July 2008, we submitted our substantial response to the Review of the EC Directive, setting out our views on the impact and success of the EC Directive after three years of operation in the UK. In that response, we urged that:

- high level EC policy guidance should be provided on interpretation of the concept of 'public task' and the UK government should create and operate a public process for its definition and periodic review;
- the scope of the exclusion of documents in which third parties own intellectual property rights should be clarified, so as to bring within the scope of the Directive documents (i) where the third party is another EU public sector body; (ii) documents containing re-usable content that is not protected by the third party rights; and (iii) documents where the third party has licensed the document for re-use;
- EC guidance should be provided to give much greater encouragement in the Directive for adoption of a marginal cost regime (for most documents), and clarification provided as to whether, and the extent to which, the costs that can be re-charged to re-users; and also that guidance be provided on the principles that should apply to the calculation of costs, following best practice in Member States. The bulk of the APPSI members urge the UK government to move to a marginal cost pricing model for PSI;
- wherever exclusive arrangements remain, a justification should be published and all information about exclusive arrangements should appear in one place.

APPSI's full response (38 pages) to the EC Directive can be accessed at: <http://www.appsi.gov.uk/2008/07/31/APPSIsResponseToTheReviewOfTheDirective200398EConTheReuseOfPublicSectorInformation>

Subsequently, the EC published its Communication on the 7th May 2009. The Communication states that the implementation of the European PSI Directive will be monitored for a further 3 years at which time the Commission may consider amending the PSI Directive. The Commission has also announced that it will continue to take action against Member States that have not implemented the Directive correctly.³

³ See [http://ec.europa.eu/information_society/policy/psi/docs/pdfs/swd_070509/re-usepsi_sec\(2009\).pdf](http://ec.europa.eu/information_society/policy/psi/docs/pdfs/swd_070509/re-usepsi_sec(2009).pdf).

Response to DCLG consultation on Local Authorities (Charges for Property Searches) Regulations 2008

Since April 2008, APPSI has monitored the developments of the Department of Communities and Local Government's (DCLG's) plans to establish a framework for providing access and setting costs for property search services. In July 2008, DCLG published its consultation paper on Charges for Property Searches.⁴ This consultation paper set out draft Regulations (The Local Authorities (Charges for Property Searches) Regulations 2008) based on local cost recovery as proposed in DCLG's and MoJ's joint consultation paper in January 2008.⁵

In September 2008, APPSI responded to DCLG's consultation on Local Authorities (Charges for Property Searches) Regulations 2008. We made the following points in our response:

- that DCLG should consult the Director of OPSI and her team about how best to clarify the relationship between the draft Regulations on property search charges and the PSI Re-use Regulations;
- that the supply of property records should be monitored periodically with a view to assessing whether or not the absence of such an obligation is constraining the re-use of PSI.

For APPSI's full response to this consultation see:

<http://www.appsi.gov.uk/reports/dclg-response-10-2008.pdf>

The Charges for Property Search Regulations came into force on 6 April 2009. These Regulations empower Local Authorities to charge for access to information (often where previously there had been no express charging permission) with the determination of cost to be met by individual Local Authorities.

There is already a wide body of evidence that different Local Authorities provide property search services showing wide discrepancies in terms of information access and cost. This is likely to impact adversely upon other defined Government policy initiatives. (e.g. Home Information Pack (HIP) Legislation). Commercial organisations operating in the field argue that some Local Authorities actively seek to retain a *de facto* monopoly on these services.

Since submitting our response to DCLG's consultation on Local Authorities (Charges for Property Searches) Regulations 2008, representatives from APPSI and OPSI have had separate meetings with a representative of the Association of Independent Personal Search Agents and DCLG to discuss the complexities and barriers emerging from the framework for property search services. Partly as a result, these two interested parties are now working together to agree satisfactory solutions to the property search charging regime.⁶

⁴ See <http://www.communities.gov.uk/documents/housing/pdf/chargespropertysearch.pdf>.

⁵ See <http://www.communities.gov.uk/publications/housing/lachargesearchconsult>.

⁶ See section 2 of this report for a summary of the issues facing the re-use of PSI in the local government sector.

1. ADVICE TO GOVERNMENT AND OTHER PARTIES

Response to the draft Power of Information Report

In February 2009, the Power of Information Task Force launched an online draft report,⁷ inviting comments on the Task Force's recommendations to Government on:

- how modern media can facilitate and embed the re-use principles of PSI and improve public services;
- how data can be presented in re-usable formats;
- the need for simplification of licence models; and
- the need to improve access to government information.

APPSI members argued that some of the recommendations in the draft Power of Information Report could be strengthened as below.

Government should:

- develop the knowledge economy and the re-use of PSI through a simplified licensing regime;
- simplify Crown copyright and licensing regimes to encourage maximum exploitation of PSI and the recommendation for setting up a standardised approach is the right way forward to achieving this aim;
- empower OPSI to provide stronger regulatory supervision of fees set by public sector bodies for information re-use, to ensure that the calculation of information re-use charges is transparent and justifiable;
- ensure as an extension of marginal cost pricing that no charge is made by a public body for the use of derived products.⁸

APPSI's full response to the draft Power of Information Report can be accessed at: <http://www.appsi.gov.uk/content/binary/16.02.09-APPSI-Response-to-Draft-POI-Taskforce-Report.pdf>

The Power of Information Task Force published its final version of the Power of Information Report on 4 March 2009.⁹ On 14 May 2009 the Government published its response to this report through the then Cabinet Office Minister Tom Watson MP.¹⁰

⁷ The draft Power of Information Report can be accessed at: <http://poit.cabinetoffice.gov.uk/poit/>.

⁸ The definition of derived product is as follows: if firm x takes product y from a public sector body and makes a new product z then it is derived. If z is then used in turn to produce another product, u, then u is based on a derived product. This can become much more complicated, e.g. if weather data (from the Met Office) are processed, and combined with processed data from the Ordnance Survey, then the result is using two derived products based on data from two, different, public sector bodies which may have different licensing conditions.

⁹ The Final Power of Information Report can be accessed at: <http://poit.cabinetoffice.gov.uk/poit/>.

¹⁰ The Government's response to the Power of Information Final Report can be accessed at: <http://blogs.cabinetoffice.gov.uk/digitalengagement/>.

Royal Mail Postal Address File Licence consultation

In early 2009, Royal Mail undertook a consultation on new licences for the Postcode Address File (PAF). In response to this consultation, several organisations highlighted possible consequences not only for the use of addresses, but also that of postcodes. In March 2009, we wrote to the Head of Commercial Licensing at Royal Mail setting out concerns which we consider as major barriers to the re-use of PAF:

- that market research companies and public sector bodies undertaking social surveys fear that the proposed new licenses will restrict the non-postal use of PAF;
- that the Office of National Statistics (ONS) is now having to pay a substantial sum in royalties for the use of postcodes in its National Statistics Postcode Directory;
- that the terms of supplying the National Statistics Postcode Directory were having to be changed following the introduction of Royal Mail's new PAF licensing.

APPSI's letter to Royal Mail can be accessed at:

<http://www.appsi.gov.uk/content/binary/PAF-consultation-letter.pdf>

APPSI is seeking assurance from Royal Mail that the new licensing model will not interfere with long-established use of a dataset which has become part of the *de facto* national data infrastructure. At the time of going to press, we had not received a response.

2. IMPORTANT DEVELOPMENTS RELEVANT TO PSI

APPSI's members collectively have huge experience in information policy, practice and management. But the field is growing and mutating rapidly with international, national, and local drivers for change. In 2008 APPSI invited the following speakers to its general meetings and annual seminar to present and lead discussions on issues relevant to the PSI agenda:¹¹

18th meeting of APPSI – 22 April 2008

- Cambridge Study of models of PSI provision via trading funds by Rufus Pollock, Cambridge University.

19th meeting of APPSI – 10 July 2008

- Power of Information Task Force by Richard Allan, Chairman of the Power of Information Task Force.
- Shareholder Executive's Assessment of Trading Funds by Peter Shortt, Director, Shareholder Executive.

20th meeting of APPSI – 18 September 2008

- Data Sharing Review Report by Sir Mark Walport, Director, Wellcome Trust.
- Public Sector insights in Capgemini's Information Opportunity Report by Ramesh Harji, Head of Information Exploitation, Capgemini.

APPSI annual seminar – 9 December 2008

- PSI in the EU: where do we stand? by Javier Hernández Ros, Head of Access to Information, European Commission.
- The changing technology environment: how the web can drive the re-use of PSI by Bill Dutton, Director, Oxford Internet Institute and John Sheridan, Head of e-Services and Strategy, The National Archives.
- The implications of Google licensing for PSI re-use in the UK by Hector MacQueen, APPSI member.
- 'Its our information – not theirs!' Why PSI is largely unrecognised in the NHS by Christine Gifford, APPSI member.
- The Location Strategy: assisting data management across the public sector by Vanessa Lawrence, Chief Executive, Ordnance Survey.
- Managing government information from cradle to re-use: how can APPSI contribute to this process? by Natalie Ceeney, Chief Executive, The National Archives.

¹¹ The minutes of these meetings can be accessed via the 'meetings' category on the APPSI website at: www.appsi.gov.uk.

21st meeting of APPSI – 4 March 2009

- Trading Fund Assessment results: how can APPSI help drive constructive change in this area by Peter Shortt, Director, Shareholder Executive.
- The local government perspective on PSI re-use by Michael Jennings, Strategic Director, Surrey County Council.

The presentations and discussions at APPSI meetings have kept us up to date across a whole range of issues relating to PSI and have enabled us to engage actively with current issues in the following areas:

Trading Fund Assessment

In the Budget Report of 2008, the Government announced that an assessment of the business models of six 'data rich' trading funds would be undertaken by the Shareholder Executive. The trading funds concerned were: Ordnance Survey; the Meteorological (Met) Office; UK Hydrographic Office (UKHO); Companies House; Driver Vehicle Licensing Agency (DVLA); and HM Land Registry. The main focus of the assessment was to determine how the information from these trading funds can be made more readily available for innovation and growth and also what impact changes to access and charging issues would have on their business models.

The assessment was subsequently subsumed within the Operational Efficiency Programme (OEP) that was announced in July 2008 by Yvette Cooper, the then Chief Secretary to HM Treasury. The overriding purpose of OEP was to review asset management over a range of areas, including businesses and property.

Following an initial assessment, it was agreed that five of these trading funds – Met Office, UKHO, Companies House, DVLA and HM Land Registry were demonstrating elements of best practice that actively encouraged the re-use of the information they produce. Consequently, the main focus of the assessment has accordingly been on the work of Ordnance Survey. The aim was to develop a strategy that would deliver:

- a clear public service and information policy;
- a clear information policy; and
- a blueprint for a sustainable, high-quality Ordnance Survey in the medium term.

APPSI has been continuously monitoring the work of the Shareholder Executive and has contributed many comments to the review team. The outcome of the assessment was announced in HM Treasury's Operational Efficiency Programme final report on 21 April 2009 as follows:

Trading Fund Assessment

“ APPSI has provided “food for thought” for the Shareholder Executive and Ordnance Survey in the next phase of the work on Ordnance Survey’s strategy. **Jessica Skilbeck, Assistant Director, Shareholder Executive.** ”

2. IMPORTANT DEVELOPMENTS RELEVANT TO PSI

The Assessment identified key principles of good practice relating to information produced by all Trading Funds. These principles are:

- information easily available – where possible at low or marginal cost;
- clear and transparent pricing structures for the information, with different parts of the business accounted for separately;
- simple and transparent licences to facilitate the re-use of information for purposes other than that for which it was originally created; and
- clearly and independently defined – with input from customers and stakeholders – core purposes (“public tasks”) of the organisations.

OPSI will provide enhanced oversight and governance to ensure application of these principles across the Trading Funds that create significant amounts of information.

A new business strategy for Ordnance Survey has been developed which also will ensure easier and simpler access to high-quality information.¹²

Further work on the future business plans and models for specific Trading Funds – as well as consideration of the effectiveness of the Trading Fund model – will now be incorporated into the OEP.¹³

As this report went to press, APPSI has welcomed these principles but identified a number of important issues relating to Ordnance Survey’s new business strategy, which it set in a letter to the Shareholder Executive.¹⁴

Power of Information

Ed Mayo’s and Tom Steinberg’s *Power of Information Review* published in 2007 set out a vision “that citizens, consumers and government can create, re-use and distribute information in ways that add maximum value.”¹⁵ The Power of Information Task Force, established by the then Cabinet Office Minister Tom Watson MP in March 2008, has been striving to turn this vision into a reality.

Chaired by Richard Allan then of Cisco Systems and including a membership drawn from leading internet practitioners, the civil service and wider public service, the Task Force sought to find ways to maximize the potential for the re-use of PSI by showing – in a very practical sense – the social and economic value of PSI. The Task Force’s competition ‘Show US A Better Way’, launched in July 2008, formed one of these practical measures. It invited the public to submit their ideas for new products built from re-used PSI and attracted hundreds of entries. The winner of the £20,000 first prize to develop their idea to the next level was announced in November 2008.¹⁶

Power of Information

“I would like to thank APPSI for their proactive engagement with the Power of Information Task Force. The Task Force benefited immensely from APPSI’s expertise both collectively and in interactions with individual Panel members. In particular, we appreciated the extensive comments that we received from APPSI on our draft report which helped shape its final content.

Richard Allan, Chairman of the Power of Information Task Force.”

¹² <http://strategy.ordnancesurvey.co.uk/>

¹³ http://www.hm-treasury.gov.uk/d/oep_final_report_210409_pu728.pdf

¹⁴ <http://www.appsi.gov.uk/content/binary/APPSI-response-to-OS-Business-Strategy.pdf>

¹⁵ http://www.cabinetoffice.gov.uk/reports/power_of_information.aspx

¹⁶ <http://www.showusabetterway.com/>

In March 2009, the Power of Information Task Force published its report to Government, setting out 25 challenging recommendations, including the release at no charge of non-personal government information, especially mapping and address data, to provide an information stimulus for innovation and to support the third sector. APPSI made it clear that the bulk of its members saw the following recommendations as being crucial to maximising the benefits of unlocking PSI:

- moving to a marginal cost model unless a convincing case is made to the contrary;
- ensuring there is a uniform system of release and licensing across all public bodies; and
- introducing Power of Information Beacon awards for local authorities adopting government's licensing model and following best practice in the re-use of PSI.

PSI re-use in Local Government

The Local Government sector effectively manages the largest conduit of citizen-centric governance in England and Wales, where the implementation and delivery of national and local policy impacts directly upon the citizenry. Active compliance and promotion of initiatives supporting the positive re-use of the PSI resource from within this sector are essential if the wider information policy objectives of the Government are to be met in promoting the re-use of PSI.

Since the transposition of the European Directive in 2005, there have been a number of PSI re-use surveys in local government.¹⁷ The results of these surveys indicate a relatively poor level of active and compliant re-use practices in this crucial segment of the information marketplace. In general, whilst there are a number of excellent examples of proactive information re-use from within the Local Government sector, there are however many other examples where Local Authorities pursue information management policies which seem at variance with wider Government policies. The prevailing culture and rationale is that the Local Authorities own and manage the information resource primarily for the benefit of the local electorate and any possible dilution of the value of that resource to the local authority or additional expenditure incurred is rejected.

APPSI members are clear that this approach will impact adversely on the economic benefits to the wider economy, to regional and local economies and ultimately to the local government sector itself. Active promotion of and engagement with positive re-use policies to encourage and promote open information resourcing could indeed result in new income streams.

Going forward, we are pleased that OPSI has engaged constructively with the Local Government sector to improve the situation. However we see a useful role for APPSI in fostering greater understanding of the local and more general benefits from PSI re-use and will seek to address this in the coming year.¹⁸

¹⁷ Surveys conducted by PSI Consulting Ltd in 2006, 2007, 2008.

¹⁸ Section 5 of this report sets out APPSI's future plans to address PSI re-use in the local government sector.

2. IMPORTANT DEVELOPMENTS RELEVANT TO PSI

PSI and the changing technology environment

How does PSI re-use policy need to shift in response to rapid technological changes and changing practice on the web? What is already being done and what can the government do to exploit the potential of web-based technologies for the benefit of citizens and businesses alike?

Through the widespread availability of ultra low cost publishing tools such as blogs, Twitter and YouTube, the web is introducing new forms of checks and balances into democratic societies. Such technology allows individuals or groups to network in a way that is independent of mainstream media. This is increasingly important, especially given that some 70% of residents in the UK now go to the web as their first port of call for getting news information. Further developments are in train, notably the emergence of semantic technologies which enables the querying of information across the entire web. It has the potential to enable government to build more sophisticated and personalised services. All this has generated positive and negative feedback, as well as testing questions for government – how does it engage, what information should it actually provide, what information can be re-used, what value could it add to existing information on the web, and how can government use the web to deliver better public services? The re-use of PSI is fast becoming an important part of public services reform.

The Power of Information Taskforce explored the need for information to be available in easy to re-use forms. APPSI has been closely involved in many of the policy, commercial and technical discussions and intends to continue this engagement.

The implications of Google licensing for PSI re-use in the UK

In 2004, Google sought to begin to bring global published information within its grasp by agreeing with a group of university libraries to digitise their holdings. In the UK their agreement was solely with the Bodleian Library, which limited the scope of digitisation activities to out of copyright works. In the USA, Google agreed to digitise everything, without taking into account the copyright status of the material copied.

In 2005, the Authors Guild (the US body representing authors) and the Association of American Publishers brought separate actions against Google for infringement of copyright. Google initially responded by stating that any rights-holders could ask to have their work removed from the project, enforcing a reversal of the normal procedure under which prior permission is required. Google also made clear that any digitised copy would still be kept. Its defence was that the entirety of the copying fell under the American doctrine of fair use, and that only the making of it available to the public needed to be licensed. In October 2008, the plaintiffs in the two actions reached a settlement with Google. This has been widely publicised as the Google Settlement, and if approved by the US court will be the biggest and most important copyright agreement ever made.

The Google Book Settlement also has important implications for the re-use of PSI. While the Google Book Settlement affects only activity in the USA, it affects foreign rights-holders whose works are available in that country through the library collections being digitised, and who enjoy US copyright as a result of the Berne Convention. Since Google is pursuing similar arrangements in other jurisdictions around the world, it seems certain that this settlement will provide an international benchmark, and indeed delimit the room for manoeuvre by rights-holders' representatives in these countries. In effect, this has achieved a wresting of a near-universal copyright licence from authors and publishers, including some who may be unaware of the settlement's existence. It takes on further significance because Google will effectively acquire a monopoly in the digitised versions of the works digitised, whether in or out of copyright, since there will be little incentive for other players to create new digital versions. APPSI will continue to monitor developments and spread awareness of their ramifications.

The UK Location Strategy

Much of PSI refers to particular places. Indeed over half of the hundreds of entries to the innovative 'Show Us a Better Way' competition run by the Cabinet Office exploited such geographical information from government.¹⁹ A new strategy to tackle problems ranging from traffic management to flooding was launched in November 2008 in a report *Place Matters: The Location Strategy for the United Kingdom*.²⁰ The report acknowledges that too much crucial information about places in the United Kingdom and the public sector activities that occur at them are collected and stored in isolated documents and databases by councils, executive agencies and government, making it difficult to access, share and analyse that information.

The Location Strategy sets out a Five-Point Action Plan for public services that will help them to:

- know what data we have and avoid duplicating it;
- use common reference data so we know we are talking about the same places;
- share the data easily through common technology, standards and business relationships;
- gain the appropriate skills to support its use;
- drive strong governance to enable change which will be led by the Location Council set up by the Department for Environment, Food and Rural Affairs (with Defra taking the lead through the UK Location Council).

This strategy directly depends on the success of PSI re-use policy. One of APPSI's members is centrally involved in the implementation of the Location Strategy and of the transposition of the INSPIRE Directive 2007/2/EC into UK law. INSPIRE is about electronic spatial data and services for environmental information. It aims to create a European Spatial Data Infrastructure, based on Member States' infrastructures, to improve the interoperability of spatial information. Therefore APPSI is well-positioned to monitor and comment on the implementation of the strategy.

¹⁹ Further details about the 'Show Us A Better Way' competition can be found in Section 2 of this report.

²⁰ <http://www.communities.gov.uk/documents/communities/pdf/locationstrategy.pdf>.

2. IMPORTANT DEVELOPMENTS RELEVANT TO PSI

Knowledge and Information Management: PSI

“To be able to discuss these issues with such an experienced and broad-based group is invaluable. The critical feedback I received was worth its weight in gold!
Natalie Ceeney, Chief Executive, The National Archives.”

Knowledge and Information Management: PSI

The summer of 2008 saw the publication of the Poynter Review – a report into the high profile data loss by Her Majesty’s Revenue and Customs – plus the Government’s report on Data Handling and a report on Data Sharing by Richard Thomas, the Information Commissioner, and Sir Mark Walport, Director of the Wellcome Trust.²¹ The reports mandated change since they uncovered an unacceptable status quo. It is no exaggeration to say that the situation uncovered was suggestive of a government culture almost dismissive of the value, importance and dangers associated with holding and sharing information in some quarters. The Government’s *Information Matters: building government’s capability in managing knowledge and information* published in December 2008, acknowledges that strong leadership, governance and professionalism in knowledge and information management will be key to seizing opportunities.²²

APPSI welcomed these reports and the mandate for change. We are convinced that widespread re-use of PSI will only be achieved if members of the public are confident that personal information is protected; that there are robust and transparent processes to control and monitor the sharing of information; and that public and private sector bodies are held accountable for any unauthorised or inadvertent sharing of personal data. To realise the value of PSI, we need to inspire confidence and this means a radical shift in personal and organisational cultures. Thus knowledge and information management will be the lynchpin of transformational government as well as beneficial to PSI re-use.

²¹ The Poynter Review can be accessed at: http://www.hm-treasury.gov.uk/d/poynter_review250608.pdf.

The Data Sharing Review can be accessed at: <http://www.justice.gov.uk/docs/data-sharing-review-report.pdf>.

²² <http://www.nationalarchives.gov.uk/services/publications/information-matters-strategy.pdf>.

APPSI's Review Function under The Re-use of Public Sector Information Regulations 2005

Over the year 2008-09, the Panel has been examining the review function of APPSI under the PSI Regulations, and whether this needs to be re-visited or re-assessed. This has involved several strands of work, which have moved from the particular to the more general:

- completing the update of the procedures of the Panel, in its Review Board mode;
- considering the operation of the Review Board in the light of the experience gained from the one complaint brought before it (*Intelligent Addressing / Ordnance Survey*);
- in the light of the above, considering the question of whether the review function provides an adequate remedy for non-compliance with the PSI Regulations.

Procedures

The update of the procedures was initiated in 2007 and was intended to align the APPSI procedures with the OPSI ones, as well as to address some limitations that had been exposed by application of the procedures in practice (in the *Intelligent Addressing / Ordnance Survey* matter). These included a lack of precision in terms of specified deadlines.

Operation of the Review Board

Professor Richard Susskind, the former Chairman of the Panel, in April 2008, commissioned an APPSI member not formally involved in any dispute to prepare a note on the operation of the APPSI Review Board in the light of experience gained in handling the *Intelligent Addressing / Ordnance Survey* matter. Christopher Roper prepared a note which became the focus of discussion about the role of the Review Board. Further work is now in hand to resolve issues raised.

Review of remedies under the PSI Regulations

As part of the review, the Deputy Chair was asked to survey the legislative background to the Review Board's function, with particular reference to its role in providing complainants with a remedy under the PSI Regulations and whether that remedy was effective. This work continues. It will require an analysis of the relationship between the Review Board and its powers, on the one hand, and the powers of OPSI on the other – not least because the latter have been enhanced.

The Free Our Data Conference

“It would have been inconceivable even one year ago to imagine a room filled on a subject once thought arcane. **Michael Nicholson, APPSI member.**”

APPSI representation at key events

There is much evidence that awareness of the PSI Regulations and government policy in regard to re-use is limited. Accordingly, over the last year APPSI has set out to promote the re-use of PSI as an intellectual asset that helps to enhance information industries, strengthen the economy, and help make public services more efficient. To date, we have addressed a range of stakeholders from central government, local government, the health service, and the private sector at conferences, seminars and meetings.

Annex C provides a list of activities undertaken by APPSI in 2008-09 to raise awareness and engage with the issues pertinent to the PSI agenda. Two important events at which APPSI was represented in 2008-09 were:

The PSI Conference

The PSI Conference, hosted and profiled by *Whitehall and Westminster World* in October 2008, was chaired by Richard Susskind (former Chair of APPSI). It included a keynote address by Tom Watson, then Minister for Transformational Government at the Cabinet Office, and presentations from many prominent figures in the PSI arena.

David Rhind, the current Chair of APPSI, was part of a panel discussion with William Perrin, Deputy Director of Strategy and Policy, Transformational Government at the Cabinet Office, and Nigel Shadbolt, Professor of Artificial Intelligence at Southampton University. Mr Perrin argued that radical change towards a personalisation of services was necessary for achieving the government's aims on transformational government. Professor Shadbolt articulated the benefits of contemporary web technology for the re-use of PSI. Professor Rhind gave the example of how government statistics (notably but not solely the £480m Population Census) were distributed free to all but that the interpretation of such data needs to be based on professional advice. The final session was a novel one with 'lightening talks' by each of four contributors. One of these was given by Christine Gifford, member of APPSI, on the lack of present engagement in PSI by the health service.

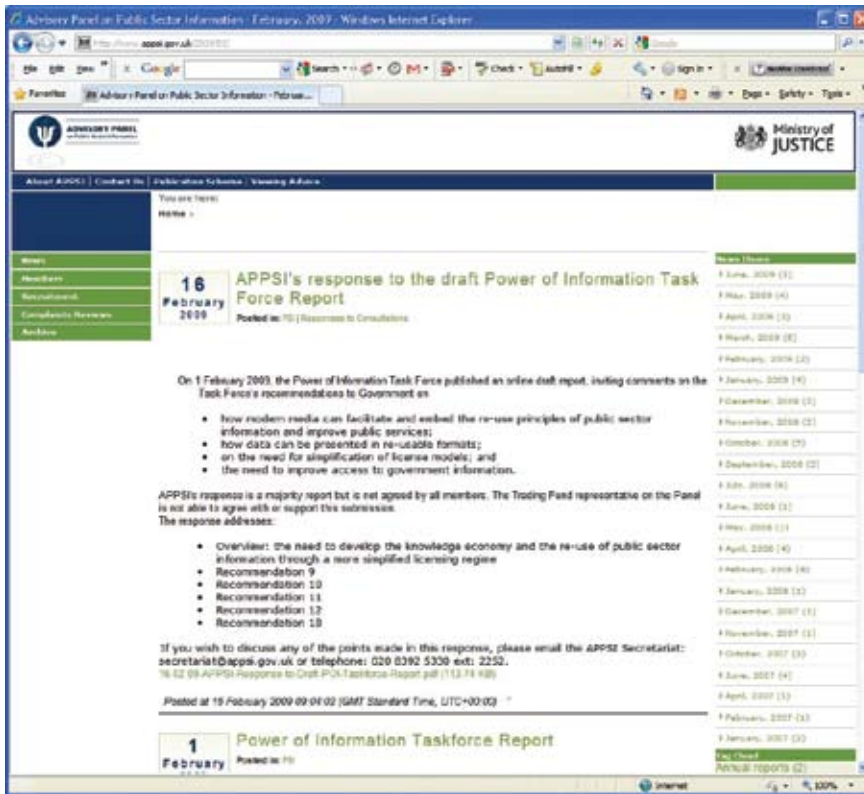
The Free Our Data Conference

Shane O'Neill, spoke as a member of APPSI in the Policy Exchange's *Free Our Data* debate on 10 February 2009 attended by over 70 participants (including APPSI members Stefan Carlyle, Keith Dugmore and Michael Nicholson). Also speaking at this conference were Adam Afriyie, the Shadow Minister for innovation and skills, Charles Arthur, the Guardian's Technology editor who is a co-founder of the *Free Our Data* campaign; Ed Parsons, formerly the chief technology officer at Ordnance Survey and now a geospatial technologist at Google; and Steven Feldman, a freelance geospecialist.

New APPSI website

Our new website was launched on 5 December 2008 in a style and format that enables users to follow APPSI's work plus developments in the PSI agenda as 'news' updates. These can be accessed either by calendar entry or by subject.

This has resulted in a marked increase in the number of hits it has received since its launch. In the first three months, from December 2008 until February 2009, the average number of hits per month was four hundred and forty thousand – nearly four times the previous figure. During 2009 the APPSI Secretariat will continue to monitor the volume of traffic and work closely with OPSI to develop further the APPSI website.



During 2009-10 APPSI plans to continue to provide informed advice to government and other relevant parties. It will focus its advice on professional experience and interpretation based on evidence, statistics and data relating to the impact of PSI; the governance of PSI and principles underpinning its re-use; the enforcement of the PSI Regulations; models and case studies clarifying the economics of PSI; the findings of ongoing horizon scanning by APPSI; and the adequacy and scope of information management activities across the public sector and the progress of recommendations in previous reports.

Action Plan

1. One of the barriers to uptake of PSI re-use is the general lack of public awareness. APPSI will work directly with OPSI in providing practical guidance to awareness raising initiatives based on best practice. APPSI will pro-actively exploit its expertise and limited resources in raising awareness of PSI re-use specifically by focusing its efforts with:
 - Scottish Government
 - Northern Ireland Executive
 - Welsh Assembly Government
 - Local Government throughout the United Kingdom.
2. APPSI, working closely with OPSI and academia, will develop an expert awareness of current PSI capabilities and opportunities and by employing horizon scanning techniques, will develop informed estimates of future capabilities and opportunities.
3. APPSI will maintain a monthly record of its performance against this action plan. This monthly record should be in report format and available for issue to our Minister should he/she or their officials wish to inspect it. The normal mechanism for reporting to the Minister should be via a letter from the Chairman of APPSI and subsequently published on the APPSI website.
4. During 2009-10 APPSI plan to advise and / or consult with the Ministry of Justice and the UK Government's lead on information policy. Providing there are adequate levels of resources, APPSI aims to respond to various significant reports and consultations, such as:
 - The Future of copyright
 - Digital Britain Final Report
 - SABIP: the Strategic Advisory Board on Intellectual Property reports.

6. FINANCIAL REPORT 2008-09

Full cost of operating APPSI in 2008-09, was £116,649.

Direct Costs	
APPSI Secretariat and OPSI staff salary	£65,126
APPSI Members' Fees and Honorariums	£5,666
APPSI Recruitment	£4,622
Travel & Subsistence	£4,315
Catering	£1,430
APPSI Annual Report publishing	£4,000
Total Direct Costs	£85,159
Indirect Costs and Overheads	£31,490
Total Cost	116,649

Note:

1. The costs include:

- Direct costs include a proportion of staff costs based on time spent supporting the Panel.
- Indirect overheads associated with the Panel, such as website development, IT support, OPSI Finance and Business Support and accommodation costs.
- Members' Fees and Honorariums: the APPSI Chairman and Deputy Chairman are entitled to claim an Honorarium for the work they undertake for the Panel. Other members are able to claim actual Travel and Subsistence expenses incurred in the course of fulfilling their role for the Panel.

APPSI	Advisory Panel on Public Sector Information
DCLG	Department of Communities and Local Government
EC	European Commission
Defra	Department of Environment, Food and Rural Affairs
DVLA	Driver and Vehicle Licensing Agency
EC Directive	EC Directive on the Re-use of Public Sector Information 2003/98
INSPIRE	Infrastructure for Spatial Information in Europe
Met Office	Meteorological Office
MoJ	Ministry of Justice
ONS	Office of National Statistics
OPSI	Office of Public Sector Information (part of The National Archives)
Panel	Advisory Panel on Public Sector Information
PAF	Postal Address File
PSI	Public Sector Information
PSI Regulations	Re-use of Public Sector Information Regulations 2005
UKHO	UK Hydrographic Office

Chair



Professor
David Rhind CBE

Deputy Chair



Peter Wienand

Representative Members



Neil Ackroyd
Trading Funds



Stefan Carlyle
Information Producers



James Eric Davies
Library and University Community



Christine Gifford²³
Information Management Community



Michael Jennings
Local Government



David Lammy
Northern Ireland



Hector MacQueen
Scotland



Bill Oates
Wales

Expert Members



Mike Batty CBE
Geospatial Information



Michael Nicholson
Geospatial Information



Chris Corbin
European Expert



Shane O'Neill
Digital Content



Keith Dugmore
Statistical Information



John Ponting
PSI Expert



John Gray
Digital Content



Prabhat Vaze
Economist



Hilary Newiss
Intellectual Property Issues



Phillip Webb
Information Communications Technology

APPSI members who retired in 2008

Michael Allen, Representative of Wales

Avinash Persaud, Economics expert

Christopher Roper, Geospatial information expert

John Thornton, Local Government representative

Contributing Member



Patricia Seex
Economics Expert

²³ Photograph of Christine Gifford © Mark Weeks 2008.

ANNEX C: APPSI'S ACTIVITIES IN 2008-09

Event	APPSI members involved	Date
APPSI planning meeting with Carol Tullo, Director of OPSI	David Rhind	7 May 2008
Workshop organised by Kasper De Graaf who runs the Applied Information Group on public sector information and Ordnance Survey products to discuss Ordnance Survey and licensing	Mike Batty	7 May 2008
Independent Property Search Agents Conference	John Gray	8 May 2008
Meeting with Michael Wills, Minister of State for Justice	David Rhind Peter Wienand	3 June 2008
Meeting with Richard Allan, Chair of the Power of Information Task Force and Tom Loosemore, member of the Power of Information Task Force	David Rhind Mike Batty	3 June 2008
Meeting at Biznode Offices with Rolf Nordqvist, Chair: PSI Alliance, Stockholm	John Gray	3 June 2008
Meeting with Peter Shortt, Director at the Shareholder Executive leading the Trading Fund Assessment	David Rhind	12 June 2008
ePSIplus Conference, Brussels	John Gray	12 June 2008
Meeting to discuss APPSI's response to the review of the EC Directive consultation	David Rhind Peter Wienand	12 June 2008
Meeting with Bill Dutton, Director at the Oxford Internet Institute	David Rhind	1 July 2008
Review of APPSI's review function interview	Christopher Roper, as interviewer; Richard Susskind, former Chair of APPSI as interviewee; Peter Wienand, as interviewee	6 August 2008
Meeting with Natalie Ceeney, Chief Executive of The National Archives	David Rhind	21 August 2008
Review of APPSI's review function with Carol Tullo, Director of OPSI	Christopher Roper, as interviewer	22 August 2008
PISCES Conference	Presentation by David Rhind on 'Re-use of Public Sector Information: Obtaining ROI for all'	29 September 2008
Demographic User Group Conference	Organiser: Keith Dugmore Chair: David Rhind Attendees: Christopher Roper, Mike Batty	2 October 2008

Event	APPSI members involved	Date
Meeting with Michael Wills, Minister of State for Justice	David Rhind Peter Wienand	13 October 2008
PSI Conference	Panel member: David Rhind Lightening talk: Christine Gifford Attendees: Chris Corbin, Shane O'Neill, and Stefan Carlyle	14 October 2008
Data Publishers Association Annual Convention, Brighton	Peter Wienand	23 October 2008
Review of APPSI's review function with Carol Tullo, Director of OPSI	David Rhind Peter Wienand	24 November 2008
Intellectual Property Office Roundtable on Public Intangibles, London	Peter Wienand	26 November 2008
Meeting with DCLG and OPSI representatives on local property searches	John Gray	4 December 2008
Meeting with a representative from the Independent Property Search Agents and OPSI on local property searches	John Gray	4 December 2008
APPSI's fifth annual seminar at the Oxford Internet Institute	All APPSI members	9 December 2008
Planning meeting with Carol Tullo, Director of OPSI	David Rhind	13 January 2009
Public Intangibles Conference at NESTA, London	Peter Wienand Shane O'Neill	14 January 2009
Free Our Data Conference	Panel member: Shane O'Neill Attendees: Michael Nicholson, Stefan Carlyle	10 February 2009
Interviews for APPSI board members with Carol Tullo, Director of OPSI and Cindy Butts, independent assessor from the Office of the Commissioner for Public Appointments	David Rhind	2 and 3 March 2009
JISC Geospatial Working Group at Kings College to discuss the INSPIRE Directive	Mike Batty	5 March 2009
Locus Association Seminar on The Public Task of Public Sector Information Holders and Trading Funds	Chair: Michael Nicholson Attendees: Stefan Carlyle, Shane O'Neill	16 March 2009

Advisory Panel on Public Sector Information
Ruskin Avenue
Kew
Richmond
Surrey
TW9 4DU

secretariat@appsi.gsi.gov.uk

This report can also be accessed on the APPSI website at
<http://appsi.gov.uk>

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Ministry of
JUSTICE



ADVISORY PANEL
on Public Sector Information
