

Professor David Rhind CBE
Chair of APPSI

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Lord McNally
Minister of State for Justice
Ministry of Justice
102 Petty France
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6 July 2010

Dear Minister,

I write on behalf of the members of the Government's Advisory Panel on Public Sector Information (APPSI)¹. We congratulate you on your appointment as Minister of State and, in particular, note your responsibility for freedom of information, data protection and data sharing. This covers the areas in which APPSI is mandated to offer you advice (see Annex). APPSI members understand full well that you will be very busy at this stage but my Deputy and I would be delighted to brief you on current issues and opportunities. It would be even better if you were able to attend part of a forthcoming APPSI meeting but I recognise that might be an unreasonable ask!

The issue of re-use of Public Sector Information has become of much higher political and constitutional importance of late. We applaud the new government's commitment to openness and transparency as set out in the Prime Minister's letter to government departments of 31 May. In particular, we welcome the clarity of the statement that "... In advance of introducing any necessary legislation to effect our Right to Data proposals, public requests to departments for the release of government datasets should be handled in line with the principles underpinning those proposals: a presumption in favour of transparency, with all published data licensed for free reuse".

Obstacles to success

However you inherit some obstacles to the desirable end of making Public Sector Information (PSI) more widely and easily available. Certain of these may appear

¹ APPSI consists of 19 members plus the Chairman. These are drawn from information businesses and consultancies, from the legal sector and the ICT industry, from local and central government including the devolved administrations, and from academia. All have had experience of using UK government data but their experience is also very international, especially in the USA and mainland Europe. Members give their time for free.

trivial but have unfortunate consequences: for example some information collected by government is PSI and some is not; there is also lack of clarity on what constitutes publication.

More significantly, the real availability of PSI for re-use presently remains largely determined by the historical legacy of differing approaches of major public sector producers. Notwithstanding the efforts of The National Archives staff, users – current and latent, including those in the private sector – have also often in the past felt excluded and treated as supplicants when seeking access to and permission to re-use PSI. Of course the situation is also complicated by the existence of a number of Trading Funds whose remit is to generate revenue from licensing information.

A strategic way ahead

We have concluded that some strategic level activity in relation to these issues – alongside the ‘let a thousand flowers bloom’ approach of harvesting ‘low hanging (information) fruit’ followed by the data.gov teams – is highly desirable. In particular, we suggest that the Government draws up – in consultation with the key stakeholders – some ground rules on governance and processes (analogous to the Cadbury Rules on Corporate Governance for businesses). This would be aimed at providing, on an ongoing basis, an open and transparent way of balancing:

- The need to be clear what information is required for good government, public services and public involvement and to facilitate the efficiency and effectiveness of private companies’ information businesses derived from government material (in essence defining the national information infrastructure), with
- the securing of core information needed for that infrastructure, and
- encouragement of the private sector to exploit the business opportunities which PSI provides.

This approach is designed to maximise utility, minimise *ad hocery* and excise unnecessary effort; it may actually result in less information being collected. As such, our proposals above would seem to be entirely in accord with the paragraph 2.5 of the Spending Review Framework published by the Treasury three weeks ago. Moreover I understand that it has parallels with the approach being adopted by the Shareholder Executive in regard to defining what the public sector needs from Ordnance Survey.

Ideally this should embrace public sector information holders beyond Whitehall government, important as that is. Local authorities and the NHS are important sources of PSI of interest and value to the public and businesses. The devolved administrations are also important players. How widely the proposal should go in the first instance is a matter of judgement.

Some specific and important components of this approach were launched by the previous administration, led by the Information Policy and Services Directorate within The National Archives. Most notably these are the definition of the Public Task of government bodies and the licensing of data derived from ‘mashing’ public and private data together. We very much hope that this administration continues with

these tasks but we urge a much more strategic and holistic approach as set out above.

Conclusion

I apologise if all this seems complex or arcane. APPSI members however believe there is much for government and the public to gain from taking such a holistic view across the government's information landscape and we stand ready to help.

Yours sincerely,

A handwritten signature in black ink that reads "David Rhind". The signature is written in a cursive, slightly slanted style.

Professor David Rhind CBE
Chair of APPSI

cc. Francis Maude, Minister for the Cabinet Office
Carol Tullo, Director of Information Policy and Services, The National Archives

ANNEX

Background

APPSI was established as a Non-Departmental Public Body, by Douglas Alexander MP, Minister for 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

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;
- 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;
- 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.

Further information about APPSI can be found at: www.appsi.gov.uk