



Principles pertaining to Government's Public Sector Information Holders¹

Purpose of paper - This paper proposes some principles which should underpin how Government Public Sector Information Holders (PSIHs) operate in relation to the data and information for which they are custodians. The principles are particularly important where changes in status of PSIHs are being considered.

Government structures and the provision of Public Sector Information

Government operates through a series of bodies of different types². Many now make available data and information they hold to the wider public, driven in part by Government policy on Open Data. Some 20 Government bodies now operate under Trading Fund (TF) legislation. Many of the most prominent generate the revenues required under TF legislation by selling or leasing data³ or providing paid-for services to customers. A number of other arms-length bodies also trade in information they hold though some (e.g. the Environment Agency) are moving towards making their information available via Open Data mechanisms.

This 'mixed model' is not unique to the UK but it produces tensions and generates costs to the information provider as well as the customer. This is especially the case when the data that the former provide is the means by which other data are spatially and/or temporally linked together (such as through use of Ordnance Survey or Met Office data). The situation is liable to become ever more complex the more data from multiple sources are linked together.

It is entirely proper for Governments to review then change the existence, status and role of public sector bodies. At present there is a strong interest in privatising or commercialising⁴ all or parts of some such bodies. This is not restricted to central government bodies: the Natural Environment Research Council is considering possible forms of privatisation of its component bodies such as the British Geological Survey. In other cases Government-owned companies are being set up⁵. We now set out some principles which should ensure that PSIHs operate in the public interest and which should underpin how these bodies operate after any change of their status.

¹ After discussion of a draft at the 15 July 2014 meeting of APPSI this revised version was approved by email.

² There are currently 24 Ministerial Departments, 22 non-Ministerial Departments (like the UK Statistics Authority and Ordnance Survey) and over 300 other bodies. The last include Executive Agencies of Departments (like the Met Office) and four types of non-departmental public bodies (NDPBs) such as Executive NDPBs (e.g. the Environment Agency) and Advisory NDPBs providing independent, expert advice to ministers - for example, APPSI. See <https://www.gov.uk/government/how-government-works> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/80075/Categories_of_public_bodies_Dec12.pdf

³ Bodies like Ordnance Survey and the Met Office also now make some data available as Open Data.

⁴ <http://appointments.thesundaytimes.co.uk/job/444897/chief-executive>

⁵ <https://www.gov.uk/government/consultations/transforming-the-highways-agency-into-a-government-owned-company> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307286/ha-response-web-version.PDF

Context to the principles

APPSI strongly supports the UK Government view that good access to data and information held by Public Sector Information Holders is a necessary condition for transparency of the functioning of governments and brings economic and social benefits⁶. We also think there is much merit in following the maxim of 'collect data once, use many times to maximise public benefit'. It follows that the quality of the information produced by such PSIHs must continue to be of a level which ensures present (and, where these can be anticipated, future) needs can be met following any change of status of the PSIH.

Two other important contextual points need to be made. In what follows we have assumed continuing acceptance by Government of the National Information Infrastructure concept first promulgated by APPSI in 2010; a sole focus on individual data sets or even individual producers will not maximise the utility of the information ecosystem. This holistic approach is reflected in our recommendations. The second contextual point is that Government is a (perhaps the) major user of data and information which it collects or procures. It uses this for direct consumption within the elected Government or makes it available for clear public good reasons (e.g. voting data). In totality then Government has a direct and very substantial interest in ensuring the wider public good is met. This leads to our first, fundamental principle.

APPSI's proposed principles

1. **Fundamental principle:** the Government is the guardian of the public good arising from the benefits enabled by information and data collected now and in the past by all its component bodies. There should be an annual official report specifying how this duty has been met.
2. On any proposed change of status of a PSIH, Government should hold a public consultation to identify the advantages and disadvantages of that specific proposal. The Government's Impact Assessment should include consideration of whether changes to the status of one PSIH will have beneficial or deleterious consequences elsewhere in the information ecosystem. The Impact Assessment, consultation responses and Government's decision and rationale should be published.
3. Consideration should always be given when a change of status is proposed to the option of making the data and information held by the PSIH into Open Data and dispensing with the significant sales and marketing, compliance, legal and other costs typically incurred by information trading bodies in Government.
4. Where a Crown or other Government-funded body is to be privatised, information and data currently held or procured by it should not be transferred into the permanent ownership of the privatised body⁷. Rather the right to exploit such information and data should be licensed for a time-limited period not exceeding ten years⁸.
5. Information and data currently held by Crown and other Government bodies which are converted into Public Corporations should also be held in trust by those bodies with the clear understanding that the new body is a custodian, not the owner. A statement on the

⁶ [What is the Value of Open Data? Proceedings of the APPSI seminar held on 28 January 2014](#)

⁷ The Public Administration Select Committee called the inclusion of the Postal Address File (PAF) with the privatisation of the Royal Mail a mistake. See <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmpublicadm/564/564.pdf>

⁸ A complication may arise where the privatised entity adds much value to the data through its own investments. This will need to be dealt with under contract terms.

data status, including quality maintenance and use made by users and customers, should be published in their annual report by all PSIHs, including Public Corporations.

6. Licensing of data made available by PSIHs, including Public Corporations, should continue to be through the UK Government's Licensing Framework.
7. Technically expert and independent regulation of PSIHs (including Public Corporations) and private sector bodies exploiting PSI must be put in place to ensure that the public good is maintained.
8. Technically expert and independent procurement processes must be put in place to ensure that the public obtains good value for money when Government procures data, information or services based on these assets. In any resulting contract Government should always retain the Intellectual Property Rights (IPR).
9. Where a Government or commercial body is involved in trading of public sector information or related services based on it, that organisation should never have the responsibility of also acting as the Government's official advisor in this data domain. That would represent a clear conflict of interest.

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⁹ The Advisory Panel on Public Sector Information (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 terms of reference apply to England, Scotland, Wales and Northern Ireland and are to:

- review and consider complaints under the reuse of public sector information regulations 2005 (SI 2005 No. 1515) and advise on the impact of the complaints procedures under those regulations;
- advise Ministers on how to encourage and create opportunities in the information industry for greater reuse of public sector information; and
- advise The National Archives and Controller of Her Majesty's Stationery Office—an official within The National Archives—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.