



ADVISORY PANEL ON PUBLIC SECTOR INFORMATION

Date: Tuesday 01 March 2011
Time: 11:00am-3:35pm
Venue: Ministry of Justice

Attendees:

Chair	Professor David Rhind CBE
Deputy Chair	Peter Wienand
Members	Keith Dugmore, Expert Member
	John Ponting, Expert Member
	Phillip Webb, Expert Member
	David Lammey, Representative Member, Northern Ireland
	Hector MacQueen, Representative Member, Scotland
	Hilary Newiss, Expert Member
	Michael Nicholson, Expert Member
	Shane O'Neill, Expert Member
	Bill Oates, Representative Member, Wales
	Prabhat Vaze, Expert Member

Non-members: Carol Tullo, Director of Information Policy and Services, The National Archives
Marcia Jackson, Head of Standards, The National Archives
Jim Wretham, Head of Information Policy, The National Archives
Beth Brook, Business and Policy Manager, The National Archives (Acting Secretariat for APPSI)
Howard Davies, Standards Manager, The National Archives
Cass Chideock, Cabinet Office
Andrew Coote, Managing Director, ConsultingWhere Ltd

1. Welcome, introductions and apologies

- 1.1 The Chair welcomed members to the 29th meeting of APPSI.
- 1.2 The Chair, on behalf of the Panel, congratulated Oliver Morley on his appointment as Chief Executive and Keeper of The National Archives.
- 1.3 Apologies of absence were received from Michael Jennings, Neil Ackroyd and Patricia Seex.

2. Minutes and actions of the last meeting

- 2.1 The Panel approved the minutes of the last meeting on 16 September 2010 as a correct record. Outstanding actions from the previous meeting were discussed:
 - Item 2.1 ACTION: The Secretariat agreed to write to the Cabinet Office before the next APPSI meeting.
STATUS: The Panel agreed this action has been superseded by developments related to the May 2010 election period.

- Item 7.1 ACTION: The Panel agreed to respond to the European PSI Directive Consultation. The APPSI Secretariat agreed to work with APPSI's PSI expert in putting together a draft response to the consultation and circulating it to members for comment.
STATUS: Completed.
- Item 8.1 ACTION: APPSI's statistical expert agreed to keep the Panel up to date on developments with Royal Mail and the Postal Address File.
STATUS: Ongoing.

3. Public Task Principles and Toolkit Project

Howard Davies, Standards Manager, The National Archives

3.1 Presentation

Howard Davies outlined the public task project plan and updated the Panel on the progress to date. This included feedback from stakeholder consultation on the project and draft public task principles, including the practitioners' review group. HD sought APPSI input and comments following the presentation.

3.2 Discussion

The main points from the discussion following:

- There was a general consensus that, although the issues are challenging, the project and objectives have value. The public task question is interconnected with many other initiatives and developments for public sector information. These wider issues include right to data, public data corporation and implementation of INSPIRE (Infrastructure for Spatial Information in the European Community) in the UK.
- The project and principles need to reflect clearly that they concern information holdings produced or collected as part of the public task and explain why this matters.
- Clarity is needed on boundaries between public task and commercial activities. The concerns of the private sector should be addressed in terms of the public sector's involvement in activities that are or can be undertaken by the private sector.
- The definition of public task has some impact on charging. This is not clear cut as some public task information may attract charges and vice versa. It is, however, important that a public sector body publicises and is consistent with applying a charge for the re-use of it public task information.
- The principles should recognise that definitions or statements need to be reviewed and verified regularly as responsibilities and remits change.
- A member of the Panel put forward the idea that the default position should establish that the datasets of public bodies would automatically fall under the PSI Regulations unless they made a case to the contrary.
- The principles should emphasise public task statements as open to challenge and incorporate triggers for challenge, for example, publicising changes to public task statements adequately for the challenge element to remain effective.
- There is a dichotomy between public task in the narrow context of public sector information and information trading, on the one hand, and the broader philosophical issues of public services and national policy on the other. One of the fears expressed was that if the project and principles get embroiled in the latter it would be difficult to reach any conclusion.

ACTION: The National Archives to review the documentation in the light of the discussion with particular reference to including more detailed guidance. This would then be recirculated to the Panel. The documentation would then be published online for comments and consultation.

4. Update from the National Archives

Carol Tullo, Director of Information Policy and Services, The National Archives, provided APPSI with the following update:

- 4.1 UK Government Licensing Framework – plans to update
- The National Archives will update the UK Government Licensing Framework in line with policy development and feedback from stakeholders. The following issues are being reviewed and will be reflected in the UKGLF:
 - the software and source code policy;
 - rights frameworks for commissioned digital media in the public sector;
 - commissioned photographs and photographs containing identifiable individuals; and
 - licensing and charging options drawn from pilots with UK Location.
- 4.2 Open Government Licence
- Over 175 local authorities have adopted the Open Government Licence so far. Other organisations doing so include Becta, the Parole Board, Audit Scotland, Scottish Information Commissioner and the Scottish Funding Council.
- 4.3 Protection of Freedoms Bill and Right to Data
- The Bill was published [11/02], containing the Right to Data clause (clause 92) on the re-use of datasets available under the Freedom of Information Act. Work continues to address some outstanding issues.
 - The National Archives provided advice to the Cabinet Office policy team on drafting for re-use clause in Bill on licensing and re-use, rights in datasets, third party copyrights, Berne convention, charging provisions and the Re-use of Public Sector Information Regulations.
- 4.4 Location information and INSPIRE
- The National Archives has been working with the Defra team and the UK Location Programme on guidance papers for data sharing under INSPIRE, especially on licensing and charging and the policy context for spatial data sharing. The EU INSPIRE Conference will take place in Edinburgh in June 2011. Defra is working with the Scottish Government on this.
- 4.5 Public Data Corporation
- The National Archives is working with Shareholder Executive and Cabinet Office with advice on information asset registers, licensing, public task and regulatory implications of the Public Data Corporation concept.
- 4.6 Regulation
- The Office of Government Commerce and Meteorological Office Information Fair Trader Scheme reports have been agreed and published.
 - The Office of Fair Trading has now issued its approval for the creation of GeoPlace which will bring together Ordnance Survey and Local Government addressing activities.
 - A formal complaint has been submitted to the Office of Public Sector Information concerning the licensing and trading of a public sector body. Mediation was considered but rejected by the public sector body.
 - An independent PSI complaints process review report will be published shortly.
- 4.7 Europe and PSI
- Richard Swetenham is the new Head of Access to Information and PSI Group Chair in the European Commission. TNA represented the United Kingdom at the latest PSI Group meeting in Luxembourg in January 2011.
 - PSI in the Cultural Sector study: the European Commission has engaged Curtis and Cartwright to undertake a review of the licensing of cultural organisations including archives and libraries. The UK is one of the six countries that will be reviewed (France and Germany also included). The National Archives met Curtis and Cartwright with the Department for Culture, Media and Sport in February 2011

- Graham Vickery (former OECD) is conducting a study into the economic value of PSI on behalf of the European Commission.

4.8 Legislation Services

- New contracts came into operation in February 2011.
- Full text search was released with improvements in website performance on legislation.gov.uk. This completes closure of the legacy websites with content and services migrated successfully and pages redirected [31/1]. Impact and reach of integrated service demonstrated by the current 2 million page views per week compared to the legacy 800,000 per week.

4.9 PSI policy activity

- The Hargreaves Review, an independent review into how the intellectual property system can better drive growth and innovation, is calling for evidence with a deadline for 4 March 2011. The review website is at: <http://www.ipo.gov.uk/ipreview.htm>.
- TNA responded to two public consultation documents in January: the Information Commissioner's Office draft data sharing code of practice and the European Commission consultation on future data protection legislation.
- The Unlocking Service has now been integrated into data.gov.uk.
- The annual PSI Report will be published shortly.

5. Location

5.1 Presentation

- Andrew Coote gave a presentation to the Panel on Case Studies in Location Economics and the report commissioned by the Local Government Group, *The Value of Geospatial Information in Local Public Service Delivery*.¹ The case studies highlighted the potential efficiency savings with improved use of geospatial information, giving specific examples from local public service delivery around the UK. The presentation also discussed the value of geospatial information in the commercial sector, for example, in utilities, insurance, building and financial services. Andrew explained that a tool is being made available on the back of this report.
- Andrew also referred to the OS OpenData Project, which is a study commissioned by Ordnance Survey to ConsultingWhere Ltd into the economic value of products and applications facilitated by the initiative. The study is currently in the feasibility stages and is identifying comparable initiatives and candidate case studies.

5.2 Discussion

The discussion following the presentation focused on:

- the importance of looking at the value derived from the improved geospatial information use and the benefit of openness rather than the intrinsic value of specific datasets; and
- the policy drivers and triggers for open data and, in particular, OS OpenData and whether the drivers were changing given the financial circumstances.

6. APPSI updates

6.1 News from the Minister

- No news from or meetings with the Minister to report.

6.2 APPSI membership

- The reappointment of the Chair and Deputy Chair positions is underway. There are also various vacancies on the Panel following the retirement of members in December 2010.

¹ <http://www.lga.gov.uk/lga/core/page.do?pageld=12079357>

ACTION: The National Archives and the Chair will prepare the recruitment strategy and the progress the appointments process throughout March.

6.3 PSI in the devolved administrations: Scotland

- The creation of the National Records of Scotland (NRS), which merges the National Archives of Scotland (NAS) and the General Register Office for Scotland (GROS), has been announced in early March 2011 following a public consultation. NAS and GROS have agreed with Registers of Scotland to develop a programme of joint working which is likely to include greater data sharing and cooperation in long term digital preservation.

6.4 PSI in the devolved administrations: Wales

- The forthcoming referendum will clarify whether the governance of PSI will be devolved and whether Wales can make laws relating to PSI.
- Discussions on information and data transparency and publishing are increasing and are subject to differences of opinion. The First Minister has had a briefing on the subject.

6.5 PSI in the devolved administrations: Northern Ireland

- A PSI re-use paper was discussed with the Permanent Secretary Group in October 2010, which recognised the need for additional resource to take forward any PSI initiatives in Northern Ireland.
- The First Minister and deputy First Minister replied to Frances Maude in February 2011 agreeing to the extension of Northern Ireland to the right to data proposals in the Protection of Freedoms Bill, subject to bringing forward a Legislative Consent Motion.
- David Lammey had liaised with The National Archives on PSI re-use matters and prepared a guidance note for Departmental Information Managers concerning the links between Freedom of Information, PSI re-use and the Open Government Licence.

6.6 PSI Complaints Process Review

- Phillip Webb has conducted an independent review of the complaints process under the PSI Regulations. The review tested every stage of the complaints process and the report will be published shortly.

7. Any Other Business

7.1 Annual Report

- David Rhind raised the question of an APPSI annual report to the Panel. He explained that the APPSI report would take a different approach this year as the ground had changed for publishing reports in government. The Panel agreed that a shorter statement of what it had achieved throughout the year should be produced.

7.2 Date of next meeting

The next meeting will be held 3 May 2011. Details of the venue and agenda will be circulated closer to the date.