



## ADVISORY PANEL ON PUBLIC SECTOR INFORMATION

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- Date:** Thursday 10 December 2009
- Time:** 10:00 am-4:15 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  
Eric Davies, Representative Member, Library and University Community  
Keith Dugmore, Expert Member  
Michael Jennings, Representative Member, Local Government  
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  
John Ponting, Expert Member  
Prabhat Vaze, Expert Member  
Phillip Webb, Expert Member
- Non-members:** Carol Tullo, Director, Office of Public Sector Information  
Jim Wretham, Head of Information Policy, OPSI  
Judy Nokes, Policy Adviser, OPSI  
Jon Kingsbury, NESTA  
Mark Houghton, Environment Agency  
Glen Watson, Office for National Statistics  
Alistair Calder, Office for National Statistics

## 1. Welcome, apologies and introductions

1.1 The Chair welcomed members and speakers to APPSI's 6<sup>th</sup> Annual Seminar. Apologies were received from the following APPSI members: Stefan Carlyle, Chris Corbin, Christine Gifford, and John Gray. Apologies were also received from Patricia Seex, APPSI's contributing member.

## 2. Testing a new IPR Framework for Public Organisations

### Speaker Jon Kingsbury, NESTA

2.1 In its Digital Britain report, the government charged the National Endowment for Science, Technology and the Arts (NESTA) with creating and testing a simplified IP rights framework for publicly procured digital media projects. On 30 November 2009, NESTA released six new frameworks and it is calling for public sector organisations to use their next digital media project to test them. The test would not affect the work delivered by the digital media agency, focusing only on how well the frameworks work and how the intellectual property is used after the work has been delivered.

2.2 The aim of the IP framework pilot is also to test whether allowing digital media businesses to keep hold of some or all of their intellectual property from this work would open up further revenue streams for the digital business, whilst simplifying the contractual process and allowing more flexibility for further development for commissioning organisations.

2.3 Organisations commissioning a project, such as a new website, animation, mobile application, software development or a new piece of technology, are invited to work with NESTA on a project which will test the economic and social impact of digital media companies retaining some intellectual property (IP) rights created from the work they provide.

2.4 NESTA has released a range of public commissioning models that include full ownership by the public commissioner, new ways of producer licensing and a way to encourage open source projects. NESTA is also developing simplified contract templates to help public organisations commissioning under the frameworks.

2.5 The IP frameworks span a range of IP options. The speaker made the following key points in his presentation:

- The Public Organisation's commissioners should identify which Rights Framework applies before asking suppliers to respond to a request for a proposal.
- The question of how any revenues from commercial exploitation is shared will need to be discussed and agreed before asking suppliers to respond to a request for a proposal.
- Suppliers should then provide a fully-costed proposal which should include all necessary fees, payments etc.
- The majority of commissions will fit under one of these Frameworks, but it is also accepted that some may not; given the varied nature of these commissions there will need to be some flexibility in how they operate.

### Discussion

2.6 The following key points were made during the discussion:

- Frameworks 4 and 5 take into account the fact that digital media is wide-ranging, combining both software and content. Framework 4 states that: *'The Supplier licences their off the shelf technology product to the Public Organisation on a non-exclusive*

basis’; and Framework 5: *‘The Supplier licences their off the shelf technology product to the Public Organisation on a non-exclusive basis, but the Public Organisation owns (or may take a non-exclusive licence in) the bespoke development which it specifies and pays for.’*

- Public sector organisations for the most part appear to lack the necessary knowledge and confidence to handle IPR issues and, as a result, the default position will be Framework 1: *‘The Public Organisation acquires by assignment all rights in material produced under the terms of the commissioning arrangements. The public organisations makes the materials available for re-use and development for all, under standard, non-exclusive terms.’*
- One member asked the speaker if NESTA had thought through how the Frameworks apply to public sector bodies that are both suppliers and consumers of digital media products. The speaker said that the focus has been entirely on commercial organisations.
- The speaker said that of all six Frameworks, the most profound is Framework 6 as the wider economic savings could be huge. Framework 6 states that: *‘The Public Organisation commissions bespoke technology with the explicit goal of making it open-source – i.e. with non-existent copyright restrictions.’*
- The speaker said that the deadline to apply to take part in the Frameworks pilot might be extended beyond the deadline, 18 December 2009, if there isn’t the sufficient demand by this date. This approach was supported by APPSI members.

### **3. Making money from PSI: how the Environment Agency do it**

#### **Speaker: Mark Houghton, Environment Agency**

3.1 The Environment Agency (EA) has a statutory duty to create information in order to meet its defined tasks. Beyond this core task, the EA has also undertaken work to improve the quality of its data. The EA deals with two main types of information management:

- Access to information sought under the Freedom of Information and Environmental Information Regulations; and
- Re-use of both commercial and non-commercial information which includes:
  - Giving access to as many partners as possible
  - Working with partners to improve information
  - Retaining the right to charge for information being commercially reused
  - Requiring partners to meet certain criteria
  - Operating a transparent pricing methodology
  - Being open to changes in the model
  - Operating a level playing field.

3.2 The EA has recently improved the way it manages IPR issues and third party Intellectual Property Rights for both its public and private sector clients. Intangible information assets are just a subset of the EA’s work. It also deals with patents, trade marks, models, scientific discoveries, software and brands, amongst others.

3.3 The EA looks for opportunities to work with relevant commercial providers. By charging for information, the EA is able to put money back into improving the quality of its data. In some circumstances, the EA is the monopoly provider but it takes great care to ensure that it does not

stifle the market. At present, about 1% of the EA's income derives from commercial products relating to reuse.

3.4 The EA makes its information available for re-use under the Re-use of Public Sector Information Regulations to ensure compliance and fairness. The EA's charging policy for the re-use of information is set out on the EA website at: <http://www.environment-agency.gov.uk/aboutus/work/38751.aspx>

## Discussion

- The EA is subject to a transparency regime, which one member said, could pose some difficulty as the disclosure of information that forms the basis of products offered on a level playing field could serve as a disincentive for a private sector body that puts the ideas forward for those products in the first place. The speaker admitted this was a difficult situation, as for all public sector organisations in the same position. In such circumstances the EA would ensure that it offers an equitable service whilst some commercial elements within negotiations can be kept confidential.
- One member asked the speaker what his thoughts were on the idea of the private sector providing the data (Geomatics/Lidar) as well as the licensing of that data. The speaker said that the EA collects its data via Geomatics, much of the capture being done Autumn-Spring when there is less leaf cover. This has proved very effective; and once Geomatics has satisfied the needs of the EA it can offer this service in the open market. The EA has explored alternative licensing possibilities but for the present this approach is proving very satisfactory.
- One member said that in some organisations, in particular the Trading Funds, it was difficult to maintain a distinction between commercial and non-commercial practices in the re-use of public sector information and that just giving information for free must also be seen as a highly commercial activity.
- The speaker said that there is now some instability resulting from the recent government announcements in the *Smarter Government* white paper. The model for providing access to and permitting re-use of public sector information is manifestly evolving and clarity is needed to move forward. The EA is now firmly engaged with the information agenda and, although like many organisations it moved into the reuse market later than was ideal, it now has a robust albeit evolving commercial model.

## 4. New PSI Policy Developments (open discussion)

### Background

4.1 The focus of the discussion was on the announcement made by the Prime Minister on 7 December 2009, during a speech to the Smarter Government conference, in which he outlined plans for improving frontline services while getting better value for money for the taxpayer.

4.2 The PM's announcement coincided with the publication of a paper *Putting The Frontline First: Smarter Government* which includes plans to cut inefficiencies and to use technology to help hospitals, schools and police forces get better value for money. The specific announcements which have relevance to APPSI's work were:

- Sir Tim Berners-Lee and Professor Nigel Shadbolt's project to 'Make public data public' - already more than 1,000 developers have registered their interest in working with government on this, and so far around 1,100 datasets have been made accessible to them. The project will be completed by 2011.

- The government will actively publish all public services performance data online during 2010, completing the process by 2011. This data will be used to benchmark the best and the worst and drive better value for money.
- From April next year Ordnance Survey will open up for free re-use information about administrative boundaries, postcode areas and mid-scale mapping. This will enable people for the first time to take the material and easily turn it into applications, like ‘fix my street’ or the ‘postcode paper’.
- From next April, the Government will also release public transport data hitherto inaccessible or expensive and release significant underlying data for weather forecasts for free download and re-use.

## Discussion

4.3 The following key points were made during the discussion:

- The Government has set out simple top level announcements but the challenge now is to work out in detail how to implement and embed the new policies. It is not yet clear which datasets will be made available, how this will be done and how this initiative will be funded free of charge (either through the tax payer or through cross-subsidy from direct charges on other products).
- One member questioned whether the government should find out what people do with the data that is made available for ‘free’ and how much demand there is for the data – before progressing with fundamental change.
- There is a need to clarify how the information suppliers operating under the new policies will be regulated and controlled.
- It was argued that the *Making public data public* initiative has highlighted the need to give the public reassurance that checks have been made on websites for the quality and accuracy of their data. There is perhaps a need to benchmark and quality control public data. The alternative view – that metadata should be made available but, after that, the principle should be ‘user beware’.
- There are lots of small businesses with existing contracts for re-use of PSI that will have to reconsider their position, as there are likely to be some distortions in the existing market resulting from the proposed policy changes.
- ‘One size does not fit all’, as public sector organisations - including the Trading Funds - operate with different business models. The announcements regarding Ordnance Survey and the Met Office are likely to have an impact on the other Trading Funds.
- There is an implication that the Re-use of Public Sector Regulations will need to be revised to take into account the new policy changes.
- In contrast to the principles underlying *Making public data public* there is a strong sense in the Operational Efficiency Programme that the government wants to operate in a more commercial way in order to achieve greater revenues and efficiency savings.
- It seemed unlikely to some members that all the details will be worked out before April 2010 but it is clear that when the data sets are released they still need to be maintained so the cost of doing so needs to be factored into any funding. Given the financial constraints, members feared that there is likely to be a difference in the datasets that are available today and how they will look like in 18 months.

- It is important to test the release of datasets under Creative Commons licensing.
- There is little knowledge at present of public sector information re-use within the Welsh Assembly. Possible ways of enhancing awareness were discussed.
- Public libraries still need to provide hard copy public documents as there will always be a significant subset of users that depends on the availability of paper solutions.
- The *Making public data public* initiative is likely to maintain its pace as there is cross-party interest in freeing up data.
- Government needs to work out its priorities for *maintaining PSI at all costs* – in effect defining a national information infrastructure in a manner analogous to the national infrastructure projects.<sup>1</sup>
- It was **agreed** that APPSI should consider the advice it would like to give government in light of the recent announcements.

## 5. Adding value to PSI: the Census addressing example

### Speakers: Glen Watson and Alistair Calder, ONS

5.1 The next full census of England and Wales will take place on 27 March 2011 and will cost approximately £480m. It will be based on a number of new approaches which are being evaluated by the Office for National Statistics (ONS) following a rehearsal this year with around 135,000 selected households in three local authority areas.

5.2 The 2009 Census Rehearsal tested, among other things, the outsourced recruitment, training and payroll, the operational field procedures, community liaison, local publicity, data capture and processing and the new internet services for getting help and completing questionnaires online.

5.3 There are however some major new challenges for the 2011 census:

- Recent increased levels of migration, including some very short term migration.
- Ageing: 25% more over 85s by 2011 compared with 2001
- Growing complexity of family structures and living arrangements
- Greater difficulty of access to controlled buildings that create difficulties in obtaining completed forms
- Growing distrust of officialdom and apathy lead to falling response rates.

5.4 For the 2011 Census, ONS is checking addresses and amalgamating existing address sources in order to develop one integrated and accurate address list that provides the best value for money (ensuring that at least 99% of valid addresses are on the list and less than 1% of duplicate forms being sent to households). Local authorities have agreed to review the address lists to ensure accuracy; and ONS has built in a number of quality checks throughout the entire process. In terms of delivering questionnaires, a variety of approaches will be used to increase coverage of groups of people. These include delivering and collecting forms by hand, and using more field staff in the most difficult areas (the normal method will be to distribute and return the forms by post).

5.5 The Census team has established good relationships with relevant groups and agencies. The programme involves close co-operation in particular with local authorities and regional, community and neighbourhood groups to ensure that questionnaires are properly tracked (using

<sup>1</sup> [http://www.direct.gov.uk/en/HomeAndCommunity/Planning/ThePlanningSystem/DG\\_181981](http://www.direct.gov.uk/en/HomeAndCommunity/Planning/ThePlanningSystem/DG_181981).

unique barcodes on each form), help and assistance is provided to those who need it, and there is intensive and flexible follow up to obtaining completed questionnaires.

5.6 Householders will have a choice to submit their answers to census questions online or by post. New web services are being created for the online questionnaire and an online help centre providing advice and guidance for completing the questionnaire will be provided. An accessibility area on the website will provide video and audio assistance, in English and Welsh, for people who are visually impaired or deaf. A multi-lingual telephone helpline will also be available.

5.7 The work being undertaken for the 2011 Census lays the ground work for future censuses or alternatives. However, it is unclear at this stage if the government will undertake another full census in 2021 (or even 2016) and a number of options are currently being explored, such as the possibility of having a short census, or a short census with a large survey (using an enhanced address list), or even a Scandinavian-style household and population register (it was acknowledged that the cultural and political challenges in doing this would be considerable).

## **Discussion**

5.8 The following key points were made during the discussion:

- One member suggested that, though ONS has good contacts with the census organisations in the English-speaking world, it contacts the University of Tokyo to get an insight into how the Japanese have tackled the problems and issues that nations face in running a census (MB to supply contact).
- The Census team should make clear in its 'marketing' of the Census how its success is vitally important to local people in terms of providing information on which funding for services in the community is based.
- The speakers confirmed that ONS does not require local authorities to sign off the address list, only to check for accuracy.
- One member commented that the cost of the addressing work done by ONS (£12 million) is good value for money. The enhanced address file can be reused within ONS and will also be used to enhance the OS and local government address lists used as inputs to the ONS process.

5.9 APPSI members thanked the speakers for a most informative presentation of one of the largest 'data mashing' exercises extant.

## **6. PSI re-use developments outside central government and how we can foster them in Local Authorities and the NHS**

**Speakers: Carol Tullo, Director of OPSI and Michael Jennings, APPSI's Local Government Representative**

6.1 The use of local government information is generated through several mechanisms: community leadership, service delivery, and economic development. The use of information is however also affected by pressures and incentives for performance improvement, income generation and cost reduction.

6.2 Within local government there has been a tradition to ensure that information is made available for public use, whilst in the NHS this is a fairly new approach. In both sectors efforts are being made to ensure that personal and commercially confidential information are protected.

6.3 Within local government, information is made available both electronically and on paper. Most of the information is human- rather than machine -readable; and the types of information that are put in the public domain include:

- Business material (general information about the area, services, and decision-making: *a lot*)
- Tailored material (specific information about activities in the area and services and how to access them: *which has grown a lot*)
- Raw material (underlying data: *a little*)

6.4 Despite the efforts of OPSI to encourage local authorities to make their data available for re-use, progress in this area has been slow due to:

- Big pressures on services, capacity and resources;
- Little interest – 50% of public are not interested (they just want the council to get on with delivering services); 25 % take a negative approach to re-use being involved (i.e. they only want information when they might wish to express concern); and only 25% have a positive approach to re-use being involved and therefore wanting information;
- Big obstacles – licensing and costing barriers, and lack of consistent approach (PSI Re-use, EIR, INSPIRE, FoI, Tax – Charge spectrum).

6.5 Local authorities and the NHS are faced with a number of challenges that prevent the effective re-use of PSI. Both are facing greater demands for services and a falling income. Although the economic downturn provides a focus for greater efficiencies, it actually reduces the immediate financial return.

6.6 Local government and the NHS do not have the capacity and capability to embed PSI re-use as a mainstream operation. In order to move towards correcting the situation, central government needs to

- establish one information re-use policy and one business model across the whole public sector;
- provide focused leadership and support to both local authorities and NHS trusts;
- involve local government and the NHS in policy development as well as implementation on re-use; and
- ensure that local authorities and trusts have a fair return or at least a transition path to marginal cost or nil return (if that is to be the model across the whole of the public sector) which reflects the workload and implications.

6.7 The *Smarter Government* white paper is focused on delivering better frontline public services. *Smarter Government* sets out how Government will improve public service outcomes while achieving the fiscal consolidation that is vital to helping the economy grow. The plan has three central actions: to drive up standards by strengthening the role of citizens and civic society, to free up public services by recasting the relationship between the centre and the frontline, and to streamline the centre of government, saving money for sharper delivery. This approach will drive change in the re-use of PSI in local authorities as there will need to be a concerted effort for central government to work in partnership with individuals and communities to deliver the services.

- 6.8 Emerging from the *Smarter Government* white paper is the announcement of a Local Government Data Panel led by Professor Nigel Shadbolt of the School of Electronics and Computer Science at the University of Southampton and including local government experts. This will oversee the release of local public data, ensuring that it is linked effectively across relevant agencies, authorities and government departments. This new initiative builds on the *Making Public Data Public* project which Sir Tim Berners-Lee and Professor Nigel Shadbolt have been advising the Cabinet on since June 2009.
- 6.9 The Local Government Data Panel will also work closely with key and relevant organisations to help improve local public services and empower citizens, with its first meeting planned for January. Over a period of two years it will aim to advance understanding of why the release of local public data is important and how it can be used for the benefit of the public. The Panel will also advise on the development of the data.gov.uk site (which goes live in January 2010) for all public data.
- 6.10 The NHS choices website, which enables patients to make decisions based on reviews and other ratings, is mentioned throughout the *Smarter Government* white paper. The government has set out plans to make health data underpinning NHS Choices available for public re-use. The Government intends to join up and transform Directgov, NHS Choices and Business link so that they provide a single platform for departments to design and deliver personalised digital services. By December 2010 the Government will extend user comment capabilities on NHS Choices to cover all health services. There is also a plan to guarantee minimum standards through entitlements and giving citizens and communities a stronger voice in determining the services they receive. As part of this commitment, the Government will extend user comment capabilities on NHS Choices from hospitals to all health services; and comparative performance information will help patients in their choice of hospital or GP.

## **7. Developments outside central government and how we can foster them in the Devolved Administrations**

**Speakers: David Lammey, APPSI's Northern Ireland Representative, Hector MacQueen, APPSI's Scotland Representative, Bill Oates, APPSI's Wales Representative**

- 7.1 All three speakers set out the structures for the devolved administrations in Northern Ireland, Scotland and Wales in order to highlight that PSI fits differently within these respective structures.
- 7.2 There is a lack of knowledge, understanding and interest about PSI in the devolved departments and the wider public sectors in Northern Ireland, Scotland and Wales. Some awareness raising activity took place in Scotland in 2006 when the Scottish Executive organised a seminar and APPSI representatives visited the Finance Minister and the Scottish Information Commissioner. Since then, the only active engagement has come from the Registers of Scotland and the National Archives of Scotland. In Northern Ireland the approach to information access seems to be fitful and fragmented and the promotion of PSI is sporadic and lacking in momentum.
- 7.3 PSI in Northern Ireland is not a devolved matter which means that the PSI Regulations are applicable to Northern Ireland. As in Scotland, there is no clear PSI 'lead' Department or business area. One important development has been the Northern Ireland Mapping Agreement 2006 (NIMA) which is a key agreement for Land & Property Services supplying GI to all NI Departments, Agencies and NDPB's, through central funding. Also, under NIMA, Local Councils have been able to licence high quality digital mapping data at a significantly reduced cost. NIMA has been developed to improve the quality and efficiency of services delivered by the Northern Ireland public sector through the increased use of Geographical Information

Systems (GIS). As it stands, PSI in Northern Ireland is largely focused on land and property services and some expansion of the focus is desirable.

7.4 In Wales, the PSI landscape is just as complicated, with no clear alignment with developments in Whitehall. There is a real need for cross-boundary collaboration and joint working with Whitehall in many arenas. The Wales representative therefore stressed the need for and advantages of harmonisation of policies across the UK in order to spread the understanding and scope of PSI in relation to other areas in government.

7.5 All three speakers said that we can foster better awareness and understanding of PSI in the devolved administrations by:

- Communicating the PSI goals to Ministers, Permanent Secretaries, Chief Executives and Senior Managers of relevant bodies such as the NI Local Government Association and the Society of Local Authority Chief Executives and Senior Managers (SOLACE)
- Holding PSI promotional events in Scotland, Wales and Northern Ireland.
- Removing the legislative barriers that prevent the effective access and re-use of PSI – e.g. amending the Data Protection Act to encourage data sharing within and between bodies and keeping the momentum going in the implementation of INSPIRE.
- Removing the funding barriers (caused by current constraints in public spending generally and the competition for funding throughout the public sector) to facilitate savings in terms of cost and time in order to stimulate ministerial and senior manager interest.
- Publish case studies around the problems and issues affecting PSI re-use in order to encourage buy-in.

## **Discussion**

7.6 The Chairman invited questions and comments on the local government / NHS presentation and on the presentations from the representatives of the devolved administrations. The following key points were made during the discussion:

- We need to consider if devolution of PSI responsibilities would make an appreciable difference to the take-up of PSI re-use.
- There is clear merit in engaging with important players in the devolved administrations, such as the Wales Audit Office, Audit Scotland, the Northern Ireland Audit Office and SOLACE which is a body that could prove useful.
- It is clear that INSPIRE is a potentially valuable lever for pushing the PSI re-use agenda in the devolved administrations as the UK Location Council includes representatives from Scotland, Northern Ireland and Wales.
- The problems in the devolved administrations might seem to be similar but we must take into account that the practical solutions might be rather different for each administration.
- In order to raise the profile of PSI re-use in local government and the devolved administrations, there has to be an issue that goes to the heart of information management. For instance, the issues that have gripped Whitehall and the national press over the last year have been the review of Trading Funds and Ordnance Survey's activities.

- It is clear that the outcomes of the announcement that particular Ordnance Survey's data sets will be opened up for 'free' and the implementation of Ordnance Survey's new business model will have an impact in the devolved administrations.

## **8. Summary of UK and EU PSI Policy: what we are seeking to do, recent changes and what might change in the future**

### **Speaker: Carol Tullo**

8.1 Over the past year, the PSI agenda has gained considerable momentum with the volume of reports, initiatives and announcements that have all shown how PSI can facilitate new and flexible ways of delivering services, drive innovation and encourage greater social interaction in communities. The speaker showed four slides that chart the progress of PSI re-use from November 2003, when the EU Directive on the Re-use of Public Sector Information was launched, through to the recent announcements in the *Smarter Government* white paper in December 2009. It is clear from this information landscape timeline that progress is being made across a broad front; and convincing arguments have been made for the economic, social and cultural benefits that will emerge from making public information available for re-use.

8.2 It has been demonstrated in reports such as *Digital Britain* and the *Power of Information Report* in particular that information is key to an open and transparent government that puts citizens at the heart of public services. Indeed, the *Power of Information Report* had 26 recommendations with 4 key themes around open information, open innovation, open discussion and open feedback. The *Smarter Government* white paper is especially important because the Government has for the first time issued a set of public data principles in order to facilitate a range of new innovative online services and improve existing ones tailored to meet specific needs.

8.3 Data.gov.uk is the public facing website to be launched in January 2010 following the developer test site. Anonymised data about schools, crime and health will be included and semantic web technology and simple licensing will enable the data it offers to be drawn together into links and threads as the user searches. The possibilities for re-using this information are endless; what is now required is a communications strategy that sets out clear and consistent messages about the government's open data policy.

8.4 OPSI is also seeking to make the process of re-using PSI as simple and streamlined as possible by:

- Working with Tim Berners-Lee and Nigel Shadbolt on the Link Data project
- Developing the OPSI PerSpectives blog
- Developing a new and simplified licensing model
- Setting out criteria for departments that wish to charge for supplying information which customers/recipients intend to process and re-use.

8.5 The Chairman commented that the presentation is the best historical summary of PSI policy developments he had seen; and said that it should be posted on the APPSI website along with the other presentations.

## **9. So what next for APPSI?**

9.1 The Chair of APPSI then proposed three approaches that the Panel could take in its future work programme:

- **A responsive approach** that would require the Panel to respond to key consultations emerging from the recent announcements in the *Smarter Government* white paper;
- **A proactive approach** that would require the Panel to write to Michael Wills, Minister of State for Justice about the important issues discussed at this seminar and progress these in any way possible within the limits of APPSI resources.
- **Write to ministers representing Local Government and the Devolved Administrations** highlighting the issues in these areas in relation to PSI re-use and making recommendations on a way forward.

9.2 APPSI members were largely in agreement with the proposals from the Chair, stressing the need to maintain a strategic overview of policy developments.

9.3 APPSI's Local Government representative said that in order to 'sell' the re-use of PSI to local authorities there needs to be a framework which addresses:

- (a) Local Government or Public Sector:** The Local Area Agreements and Comprehensive Area Assessments are examples of where councils have been told by the Department of Communities and Local Government to join up with other organisations, but the same message has not gone out from other Government departments to the other organisations (principally health and police, and government agencies) in the same way. As a result, the other organisations feel they are being asked by councils to join a local government affair. This is not to say that councils should not lead locally, but rather that the other organisations should be briefed by Whitehall rather than leaving it to councils.
- (b) Business Case:** It would be helpful if the Government defined information as part of a national Infrastructure. Afternote: since the seminar, APPSI's local government representative has arranged with SOCITM to gain access to their information about websites (which will provide an insight into the types of information that the public is interested in obtaining).
- (c) Business model:** Which model is going to apply (and hopefully across the whole public sector): (i) tax funded; (ii) marginal cost; (iii) full cost recovery; or (iv) some common, defined rate of return? Presumably the Ordnance Survey consultation will point the way on this. There is a potential conflict between the move to "Free Data" (model (i)), and the proposal in *Smarter Government* to encourage municipal enterprise (model (iv)).
- (d) Funding:** As nothing is actually free, the big issue is where the cost falls (for data gathering, maintenance, and making accessible). There is also an effect on the private sector where there are competed data sets, and companies will want to protect their IPR in either the software or the data they have assembled or integrated or both. Depending on which model is adopted under (c), the question of funding needs to be addressed.
- (e) Protocols and Toolkit:** This needs to cover not just (i) data sharing and publishing, and a platform/mechanism for doing so; but also (ii) data and technical standards so that bottom-up specific systems can link on a plug-and-play basis; (iii) advice on the legal issues: INSPIRE, EIR, FoI, DP, and copyright, and licensing (including derived data) and charging; and (iv) advice on open source/machine readable and "owned"/human readable.
- (f) Commissioning and contracting:** Whilst it is important that every organisation can tailor activities to their local area's needs and interests, there is probably not enough capacity either in the public or private sector to handle 150 or so separate deals, whether as joint

ventures or as supply only, without some failures on one or both sides of the deals (there are already plenty of examples of this). Some approach needs to be found to make best use of capacity, without choking off experimentation and innovation.

(g) **Channels and marketing:** Ways need to be found to get the PSI re-use policy onto the agenda of chairmen/leaders and chief executives, as well as the information managers, in organisations. At the moment, improving the flow of public information comes very low on their priorities at a time when they face increased demands on services and the need to make substantial cuts in resources.

(h) **The points made in a-g above result in the need for** (i) a marketing strategy and communications and engagement programme covering (a) and (b) and (g), underpinned by (ii) a 'turnkey' package covering (c) to (f) to make it as easy as possible for local authorities, NHS trusts, police forces etc. to pick this up and run with it.

## 10. Summary of presentation and discussion

10.1 The Deputy Chair of APPSI drew out the main themes from the presentations and discussions during the seminar, as follows:

- As well as the economic downturn, the factors driving government policy and leading to a change of balance between the private and public sectors are:
  - Enhanced efficiency
  - Localism
  - Greater transparency
  - Technological change.
- The announcements in the *Smarter Government* white paper relating to the opening up of Ordnance Survey data, postcode areas, and mid-scale mapping, as well as the release of public transport data and underlying data for weather forecasts from April next year, are not to be considered as individual events but rather as a process that supports an open and transparent government. APPSI will be in a position to provide advice about the implications of these proposed changes through the consultations that have been planned as part of the process.
- The presentations and discussions highlighted the importance of research to inform decisions and, in particular, how research is crucial for organisations in deciding what business models to adopt. Research also enables organisations to take a more business-like attitude to pricing models and licensing.
- 'Free' data is not really 'free' – it's important for government to consider where the cost actually falls and how the data is going to be maintained under this new funding model. The policy for government to release 'free' data might mean that less or poorer quality public sector information is created in the future.
- The prospective changes in funding for PSI re-use and terms of agreement set between those who create the information and those who commission products from the information lead us to identify the importance of a national information infrastructure that sets out clear boundaries for suppliers and users of PSI and priorities.
- The recent announcements about 'free' data bring into question the possible need for enhanced regulation. It might be possible that in the future a revised regulatory framework is required and a policy lead nominated to implement the new policies.

- More needs to be done to raise awareness and knowledge at local authority level and in the devolved administrations about the value of public sector information and its re-use. There is clearly a need to involve local authorities and the devolved governments in the decision-making process to ensure they feel part of the changing landscape.
- The PSI licensing framework needs to be simplified and standardised to encourage greater re-use of PSI. OPSI is currently working on a simplified model using Creative Commons attributes to ensure that terms and privacy conditions are clear and enabling for users.

## **11. AOB**

- 11.1 One member requested that the Panel is given an opportunity to discuss the report they received on the Statute Law Database from the Head of Legislation and Publishing Services at The National Archives. This was **agreed** as an item for a forthcoming meeting.