



ADVISORY PANEL ON PUBLIC SECTOR INFORMATION

Date: Thursday 22 July 2010

Time: 11:00am-3:35pm

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

Stefan Carlyle, Representative Member, Information Providers

Chris Corbin, Expert Member

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

Patricia Seex, Contributing Member

Prabhat Vaze, Expert Member

Phillip Webb, Expert Member

Non-members: Carol Tullo, Director of Information Policy and Services, The National Archives
Oliver Morley, Acting Chief Executive, The National Archives
Clemence Cleave-Doyard, Government Data Manager, The National Archives
Chris Hill, Director, GeoData Institute, University of Southampton
Neil Pittam, Marine Data Manager, Crown Estate

1. Welcome, introductions and apologies

1.1 The Chair welcomed members to the 27th meeting of APPSI.

1.2 The Chair welcomed Oliver Morley, Acting Chief Executive, The National Archives and Clemence Cleave-Doyard, Government Data Manager, The National Archives, who were on the agenda to give a presentation and lead a discussion on the *Transparency and Open Data Agenda*. The Chair also said that the Panel would be joined at lunchtime by Chris Hill and Neil Pittam who would present on MEDIN's study on *Approaches to data policy in the marine sector*.

2. Minutes and actions of the last meeting

2.1 The minutes of the last meeting on 17 May 2010 were approved as a correct record; and it was noted that the following two actions still require completion:

- The APPSI Secretariat would draft a letter on behalf of APPSI to the relevant team at the Cabinet Office urging them to revise their guidelines for the future, as the system of regulation during an election period should be specifically directed towards government activity that could call into question political impartiality.
- The Chair of APPSI and APPSI's Local Government representative will put together an 'issues and solutions' paper that should be of interest for any incoming government. The delay in sending this resulted largely from the great uncertainty of what message would be effective whilst the new government was sorting out what it wished to pursue.

3. Update from the National Archives, including the UK government licensing framework

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

UK Government Licensing Framework and Open Government Licence

3.1 The UK Government Licensing Framework and Open Government Licence is being finalised ready for launch in September 2010. The National Archives has completed comparative analyses of the Open Government Licence and the existing Click-Use Licence on a clause by clause basis and is ensuring it is interoperable with Creative Commons and Open Data Commons as in the piloted licences associated with the open data initiative in government.

Information Fair Trader Scheme Workshop

3.2 The National Archives ran a workshop for the largest trading funds on Friday 16 July 2010. There was a strong regulatory presence and with the Cabinet Office, the Office of Fair Trading and the Shareholder Executive also in attendance. The workshop focused on 3 key areas – public task, licensing and derived data:

- **Public task:** there was consensus that the existing definition and guidance was reasonable, but could be enhanced by use of a decision tree and examples. Clear charging principles are required – that some data (for the public good) would be free at point of use, that some would be exempt under the Data Protection Act and the Freedom of Information Act and

that commercial material would be charged for. The process of defining public task will be transparent – published, open to challenge and arrived at with input from independent advisers.

- **Licensing:** a presentation on the status of the UK Government Licensing Framework.
- **Derived Data:** Ordnance Survey (OS) gave a presentation on defining derived data. OS has been working closely with The National Archives on this issue.

Public Sector Mapping Agreement

3.3 The National Archives is working closely with departments to develop and finalise the Public Sector Mapping Agreement (PSMA). The agreement, to run from April 2011, will replace the existing Pan Government Agreement and Mapping Services Agreement and sets out the terms and conditions for the entire public sector to use Ordnance Survey data. It replaces the pro rata charging across government and is key to the new UK Government licensing arrangements.

PSI Report

3.4 The annual PSI Report has been delayed due to the change of government and the current constraints on government expenditure. The National Archives will review the position in September to ensure that the Report incorporates the outcomes of the transparency agenda and related key policy.

Property Search fees

3.5 The Statutory Instrument revoking the £22 Local Land Charges fee was signed by the HM Treasury minister and registered on 15 July 2010 to be laid before Parliament that day. However it was withdrawn at the last minute, pending further discussion with Ministers. Defra and the Ministry of Justice ministers are revisiting the SI, with the expectation that it will go up on 27 July 2010. The SI follows the Information Commissioner's decision on 16 July 2009 that local property search information falls under the Environmental Information Regulations. Further to the suspension of HIPS on 20 May 2010, The National Archives, has produced a generic guide for any public sector body considering using the re-use regulations for the provision of related services. See: <http://www.nationalarchives.gov.uk/documents/guide-to-applying-the-re-use-of-psi-regulations.pdf>. There is also a draft case study and set of FAQs under discussion.

legislation.gov.uk

3.6 This new interactive official legislation service launches on 29 July 2010. It combines UK legislation services as enacted from the existing www.opsi.gov.uk website with the Statute Law Database website (www.statutelaw.gov.uk) which provides updated legislation. The two existing websites will be closed once successful migration to www.legislation.gov.uk is complete. The most striking new feature is an interactive timeline that illustrates how the pattern of making legislation has changed, and allows users to view pieces of legislation as they stood at particular points in time. Other features include a dashboard for new legislation and a feature which allows users to access legislation documents in the style and format of their choice. A traditional print view is one click away. The National Archives has worked closely with the drafting offices on Primary Legislation issues via the Heads of the four Legislative drafting offices in London, Edinburgh, Belfast and Cardiff.

Public Inquiries Guidance

3.7 Information Management Guidance on Public Inquiries has been published on The National Archives website at: <http://www.nationalarchives.gov.uk/documents/best-public-inquiries.pdf>.

4. Transparency and Open Data Agenda

Speaker: Clemence Cleave-Doyard, Government Data Manager, The National Archives

4.1 The speaker said that the Transparency Agenda is high on the Government's priorities, as part of its ongoing drive to open up Government to greater scrutiny. Francis Maude, Minister for the Cabinet Office, who is also the Chair of the new Public Sector Transparency Board, is seeking to achieve greater transparency by making available to the public information that is held by government departments. The Government believes that transparency of government information will enable the public to hold politicians and public bodies to account, help to deliver better value for money in public spending, and help the government to achieve its aim of cutting the deficit. Moreover, 'setting government data free' will bring significant economic benefits by enabling businesses and non-profit organisations to build innovative applications and websites.

4.2 Cabinet Office is responsible for the overall direction and management of the Transparency Agenda, including policy development, Ministerial business and overall stakeholder management. The National Archives' web continuity team is responsible for driving and managing the release of data from departments as well as running the business processes involved. This role includes the management of communications to departmental practitioners in order to ensure that a steady flow of data sets are made available on data.gov.uk. Furthermore, in line with the transparency and open data principles, the government has announced that all published data will be available for free re-use under a new and enabling licence model that is interoperable with Creative Commons licences. The National Archives is responsible for the development and implementation of this UK government licensing framework.

4.3 The speaker pointed to the challenges of implementing the Government's Public Data Principles (see: http://data.gov.uk/wiki/Public_Data_Principles) and asked APPSI members if they knew of any datasets that the public would want to re-use.

4.4 The following key points were made during the discussion:

- The Chair of APPSI said that the value of public sector information to citizens and businesses alike is now widely recognised. However, APPSI has argued that the government requires a strategy to prioritise information garnering. The speaker confirmed that the strategy to prioritise datasets for incorporation in data.gov.uk is still being put in place. Instead, the aim of The National Archives is to ensure that available datasets are published in formats that people want and that there is sufficient metadata to make the datasets findable and re-useable.
- One member commented that, based on his experience, data.gov.uk is very confusing as the data is available in formats that can't easily be re-used and metadata is very limited in explaining the characteristics (hence reliability) of the data. He recognised that this might be transitory given the early stage of development of the web site and recognised that there is opportunity to make the website more compelling to a wider audience. In explanation, it was accepted that originally, the site was designed by developers for developers.
- The speaker said that the number of datasets on data.gov.uk is steadily growing. Most government departments now understand the value of the Transparency Agenda and are co-operating with The National Archives to ensure that datasets are released to the public. But for some departments, especially those responsible for a large number of agencies, identifying and releasing the datasets can be challenging in a time of cost pressure.

- The Chair of APPSI pointed out that the government’s definition of ‘public data’ contradicts the ethos of the Principles in that it does not address the issue of public good and urged that government should reconsider this definition.
- It was pointed out that the first public data principle: *Public data policy and practice will be clearly driven by the public and businesses who want and use the data, including what data is released when and in what formats* is difficult to achieve in practice and that in order to implement this principle it is important to consult effectively with users. The Acting Chief Executive said that the Transparency Board will consider user representation, and that a significant proportion of this could be driven by the design and workflow of data.gov.uk.
- In order for government to make data freely available it is important that the public task, which generates the information, is clearly defined.
- APPSI’s Northern Ireland Representative pointed out that the Transparency Agenda is Whitehall-centric and more needs to be done to establish a relationship with the devolved administrations. He considered the possibility of combining OpenData NI with data.gov.uk, taking into account that the licensing of the former data will need to comply with the UK licensing framework. He said that he would explore this idea further with The National Archives’ Government Data Manager. The legislation.gov.uk devolved administration approach could apply here.
- APPSI’s Wales Representative also considered the possibility of the Welsh Assembly Government setting up a formal relationship with data.gov.uk that replicates the model used by legislation.gov.uk which links to legislation in the devolved administrations.
- It was made clear that departments’ obligation to publish inventories of their data holdings is a mechanism for building on existing Information Asset Registers. Combining the inventory with user requests, it is hoped, will drive demand for datasets.
- It was agreed that measuring the economic and social value of data.gov.uk would be difficult. APPSI’s contributing member said that as the agenda has moved towards greater transparency the focus is on achieving greater efficiency in service provision rather than enhancing GDP. Another member said there was merit in capturing the benefits that have been derived from data.gov.uk so far, in order to establish a benchmark for measuring value added by the scheme in, say, 5 years time and hence measure its success.

5. MEDIN Marine Data Policy

Speakers: Chris Hill, Director, GeoData Institute, University of Southampton and Neil Pittam, Marine Data Manager, The Crown Estate

5.1 The Crown Estate and The GeoData Institute have been commissioned by The Marine and Environmental Data and Information Network (MEDIN) to undertake a review of approaches to data policy in the UK marine sector in relation to the wider re-use of marine environmental data. MEDIN is a group of the Marine Science Coordination Committee tasked with reviewing and developing strategies for improved access and stewardship of marine data.

5.2 Although there are many legislative and policy drivers and recent guidance from MEDIN on marine data management and dissemination, it is unclear how the policies and procedures of the

individual data generators and distributors are approaching data and information management and access. MEDIN is seeking to gain an understanding of the different approaches to licensing and IPR of data as currently applied across the UK marine sector, including the interpretation of relevant EU and national legislation as it relates to access to public sector information.

5.3 The speakers provided an overview of the study. A process of ‘Guidance Review’ will be undertaken followed by ‘Data Policy Audit’. The component activities of the study are:

- Independent guidance review and liaising with relevant guidance authorities.
- Audit of Data Policy:
 - Desk-based research of data sources and use conditions;
 - Interviews with key data providers covering;
 - Understanding of best practice;
 - Compliance with regulations and legislation;
 - Pricing and licensing; and
 - Impact on Users.

5.4 The speakers set out the draft conclusions of the ‘Guidance Review’ and ‘Data Policy Audit’ in their presentation and said that the final report (to be issued on 26 July 2010) would cover:

- Summary of Guidance;
- Summary of Policy Audit and differences in approach;
- Detailed description of data sources considered, datasets, access policies, pricing and compliance with standards;
- Understanding and appreciation of Best Practice within the sector;
- Overall impacts of policy on Users;
- Conclusions; and
- Recommendations.

5.5 The speakers sought the views of APPSI on the data policy and said that the final report would be sent to the APPSI Secretariat to circulate to members. Feedback on the report would also be welcomed to Neil (Tel: 020 7851 5063, Email: Neil.Pittam@thecrownstate.co.uk).

5.6 The following key points were made during the discussion:

- The marine community seems rather different from the terrestrial one in terms of the number of public and private sector data producers whose data is routinely used together, the archival responsibilities already established and the nature of existing access to data - partly due to the costs and complexity of acquisition, the intimate engagement of research organisations and also because of the wide range of data providers, i.e. Trading Funds, academia, private companies etc.
- The UK Hydrographic Office (UKHO) and the Meteorological Office (Met Office) operate under international agreements on sharing data, which creates some difficulties for the UK in terms of licensing of data for re-use. The Met Office shares much of its data in the interests of promoting health and safety, which can then be re-used for other purposes but the UKHO takes a different approach. Thus the UKHO and the Met Office are two Trading Funds which operate different policies.
- It is important that the marine community is encouraged to make use of the new UK government licensing framework which will allow unrestrictive re-use of data. Cross company collaboration is also useful to encourage data sharing.

- MEDIN is represented on the Location Information Interoperability Board which is concerned with developing common standards.
- The marine community does not know what data.gov.uk is for and the speakers questioned the extent to which the website could fulfil the needs of the marine community.
- Given the wide range of data producers and archivists, it is important to consider how marine data is best archived within particular specialisms and how best specialist teams can manage that data.

6. European PSI

Speaker: Chris Corbin, APPSI's European Expert

6.1 APPSI's European Expert referred members to his report for the period 10 May 2010 to 18 July 2010. He then referred members to his paper on *Preparing APPSI's position for the forthcoming review of the EU Directive 2003/98/EC implementation*. He asked APPSI members to consider the following:

- a. The process by which APPSI shall prepare and participate in the forth-coming review of the Directive.
- b. The following action (highlighted in bold):

*In addition, Member States are encouraged to promote the identification and ready availability of information resources and to set up **quick and inexpensive conflict resolution mechanisms**.*

6.2 The discussion focused on whether – and, if so, how – APPSI should prepare for the consultation; and the extent to which the complaints process under the Information Fair Trader Scheme is working. In response to the latter, one member suggested that there should be an independent audit of the complaints process. APPSI had only ever had to deal with one complaint, in 2007, which had not been resolved by OPSI¹: the reasons for this were debated, notably whether this reflected successful mediation by OPSI or whether complainants had low expectations of outcomes from the process.

6.3 As a result of the discussion the following actions were agreed:

- **ACTION:** APPSI will wait until the consultation is launched and then decide whether it is appropriate to review and amend its response to the EC Directive consultation in 2008.
- **ACTION:** The APPSI Secretariat agreed to put the EC Directive consultation on the agenda for the APPSI meeting on 16 September 2010.

7. APPSI updates

Contact with the Minister

7.1 The Chair of APPSI informed members that the Secretariat had sent their letter to Lord McNally on 6 July 2010. He said that this letter had been deliberately sent later than planned due to the initial policy uncertainties resulting from the election of the coalition government; and

¹ OPSI is now part of The National Archives.

explained that he had recast it as an introductory (and simpler) letter, as it was the first communication the new Minister had received from APPSI. The Secretariat will forward the Minister's response to members as soon as it is received.

PSI in the devolved administrations

7.2 APPSI's representatives from the devolved administrations gave the following updates:

Northern Ireland

7.3 APPSI's Northern Ireland Representative is preparing a presentation on the importance of progressing PSI re-use in Northern Ireland for the Northern Ireland Permanent Secretaries' Group. A date for this presentation has not been set but he is hoping to get a date for September 2010.

7.4 APPSI's Northern Ireland Representative informed APPSI members that Christopher Graham, Information Commissioner, will be attending the Northern Ireland Permanent Secretaries' Group on 22 October 2010. He pointed out that the Constitutional Reform and Governance Act 2010 provides for a transition from a 30-Year Rule to a 20-Year Rule. This governs the point at which government records of historical significance are transferred to The National Archives and the point at which some of the Freedom of Information Act (2000) exemptions cease to have effect. He said that this Act does not include Northern Ireland, which will continue to operate on the 30-Year Rule.

Scotland

7.5 APPSI's Scotland Representative referred to a draft policy statement to be issued by the Scottish Government which proposes the use of Open Data licensing terms. APPSI's Scotland Representative will notify APPSI members when the policy is launched.

Wales

7.6 APPSI's Wales Representative said that the Transparency Agenda is not part of Welsh policy. The Welsh Assembly Government (WAG) is instead focused on reducing the costs of FOI by proactively publishing information, and is currently reviewing its website. He referred to the following:

Activities in Wales:

Weaving a PSI tapestry from a number of different threads. This work is currently "bottom-up" while a Ministerial position is established. The main threads include:

- Spatial (UK Location Programme)
- Statistical
- Performance Management
- Observatories and Local Information Systems
- FOI Review
- Information Asset Register consolidation and pro-active publication
- Personal data sharing

Specific PSI re-use issues that are ongoing in Wales currently:

- Establishing a flow of biodiversity records between the 4 local record centres and WAG

- Data licence for protected site boundaries
- Licence for noise map release
- Licensing for Traffic Wales

PSI in local government

7.7 APPSI's local government representative presented his paper circulated to APPSI members in advance of the meeting. He drew attention to the links in the paper to further material on the Local Public Data Panel, the study on the economic value of geographic information, and the paper on 'decision miles'.

8. AOB

8.1 The APPSI Secretariat reminded members that the next meeting will be on 16 September 2010. Graham Smith, Deputy Information Commissioner, has agreed to present and lead a discussion at this meeting. She also informed members that they had been sent a change of date for the APPSI Seminar, which will now be held on 6 December 2010. Dates for the APPSI meetings in 2011 have been issued.