

Licensing Forum, 10 July 2012
The National Archives, Kew

Contributing

Simon French – Cabinet Office
Jim Wretham – The National Archives
Heather Savory – Chair, Open Data User Group
Shane O’Neill – Elgin / Roadworks.org
Nic Garnett – Technology Strategy Board
Matthew Pearce – The National Archives

In attendance

Camilla O’Hare – Met Police
Alex Coley – Met Police
Diana Paine – Department for Health
Karen Bennett – UKHO
Tony Dent – UKHO
Carol Tullo – The National Archives
Oliver Morley – The National Archives
Susan MacInnes – Registers of Scotland
Tim Allsop – Ministry of Defence
Nicola Hunt – Ministry of Defence
Marcus Richards – Ordnance Survey
Averil Fairley – MHRA
Adrian Nuttall – Environment Agency
Ian Marshall – Environment Agency
Louise Tipper – The Coal Authority
Margaret Fuller – Fire Service College
Mark Buckley – Companies House
Alun Howells – Companies House
Simon Hill – Health and Safety Laboratory
Chris Luton – British Geological Survey
Gill Dredge – British Geological Survey
Marlize Palmer – Welsh Government
Nicholas Hackett – Highways Agency
Sue Williams – Intellectual Property Office
Bill Pope – Driving Standards Agency
Paul Yaxley – Cabinet Office
Susan Corrigall – National Archives of Scotland
Richard Dabb – National Army Museum

Open Data White Paper – Simon French, Head of Programme, Transparency Team (Cabinet Office)

Why White Paper?

- sets direction for transparency
- provides for common approach to cross-cutting issues
- makes case for open data

White Paper consists of 3 main Chapters: (i) Enhanced access; (ii) Building trust; (iii) Making smarter use of data

Enhanced access

- Government departments have published their Open Data Strategies – these will assist in holding departments accountable and ensuring data publication commitments are met.
- Developer Engagement Strategy: need to ensure robust engagement models in place to allow two-way conversations with users of data, enabling collaboration. Government Developer Engagement Strategy to be published, setting out principles for how government will be expected to engage with developers
- Sect 45 of FOI Act: has been amended and Code of Practice to be expanded.
- Review of Public Section Information (PSI) will aim to build a body of evidence.
- Data usability: paper sets out principles drawn up by Public Sector Transparency Board.
- Better access to data: data.gov.uk to be re-launched.
- Access to research data: Research Transparency Sector Board to be established - will consider transparency measures relating to research

Building Trust

- Open policy making: releasing much of underlying objective data used by public sector – balance to be had between transparency and propriety of data

Making smarter use of data

- Sharing priority data: public sector to be more effective at sharing data between public authorities and research bodies
- Citizen access to personal data: already pilot programmes for giving patients and students direct access to their own data – to be extended e.g. to give NHS patients direct access to GP records by end of Parliament.
- Breaking down barriers to data sharing

Future

- More open data
- More Data Sharing
- Identifying barriers to optimal use of PSI
- Engaging private sector – ie need to know who's using data
- Developing the evidence base

Q&A session

Q– DH is planning patient e-access to GP records by the end of this Parliament, and to NHS records longer term. There are concerns about data sensitivity, and wondered what negative comments there had been?

SF – Negative comments mostly about the lack of any proposed legislation to force the right to data. The way to embed transparency is through the Culture. Implement existing legislation, not pass new laws.

Q – Our organisation doesn't just give out data but describes all its detailed features. Has this burden been looked at?

SF – Yes, covered by the PSTB public data principles. We need better data on data.gov.uk, better signposting to it, and are working with stakeholders to improve usability. SF confirmed he had not looked at the legal aspects of non-compliance.

Q – what should the balance between access to data and DPA be?

SF – some stakeholders have real concerns about disclosiveness and the mosaic effect of open data. There is a need to counter risk-aversion after data loss issues. A privacy expert will be joining the DSB and the sector panels to give that balance. The Code of Practice will follow after legislative scrutiny of the changes to the Freedom of Information Act.

Q – will the government be withdrawing from the application space?

SF – A good question, which has attracted Ministerial interest too. Is the best model crime statistics, where HMG provided the first model app? Or is it better just to provide the data? There is no real answer yet.

Q – where people build businesses on released data, will departments become locked into providing that data indefinitely in the same format?

SF – release of data should be informed by an impact assessment – and this is an opportunity for data providers too, get the feedback, it is free consultancy. Departments have to be led by the evidence, but you have to know who is using the data. TD – but you can't do that if it is an OGL release. SF Yes, it is an interesting problem. A Developer Engagement Strategy should try to work around this.

Q – what is the promise to developers for continued supply and explanation of the data? They need it to build a business.

SF – the major promise is for a future pipeline of data, and the 5* usability rating. But there are no binding commitments on departments for format or timeliness of release. These are implicit in the White Paper, the sector panels include developers to represent their interests.

Public Sector Information Directive – Jim Wretham, Head of Int Policy (National Archives)

Jim provided an update on the amended Directive

Directive on re-use of PSI since 2003

Cion carried out a review of the Directive across the EU which found many member states were not engaged with agenda. If barriers were removed, re-use could have economic benefits. These would dovetail with transparency and openness

Dec 2011: proposal by Cion to amend PSI Directive

Jan 2012: Explanatory memorandum sent to UK Parliament and comments sent to Cion

Adoption in spring 2013 looks likely with 18 months to implement in national law.

Key issues

- Obligation to allow re-use, where currently discretion is allowed
- Charging, a more flexible charging system should be in place
- Amended Directive would extend scope to cultural institutions
- Redress arrangements. UK position is to avoid onerous or bureaucratic regulatory processes

Progress

UK: (i) PSI officials group formed; (ii) discussions held with devolved administrations and cultural sector; (iii) IA scoping regarding costs and operating principles

Europe: (i) Working Group meetings March – June; (ii) Presidency put together 3 texts; (iii) Telecon Council meeting held – MS provided update

Next

UK: work on-going on Impact Assessments and engagement

Europe: briefing MEPs (Sept 2012) and engaging with other MS

Q&A session

Q– will transposition into UK law do better at realising aspirations than the first Regulations?

JW – UK's implementation record is good on this, and the Commission will check on the quality of the implementation. There was a confusion last time between access and re-use.

Q - will there be a change to the UK PSI regime?

JW – Yes, some big changes. The scope will be widened, and by being made mandatory some public sector bodies already covered will be brought actively into the PSI regime. There will be a big learning exercise for local authorities and others, but not a huge amount of change for central government and the trading funds.

Q – is the public task element remaining?

JW – yes, and the definition will be important. Organisations will need to work out what their public task is where they haven't already.

Q – how will mandatory re-use be effected practically?

JW – 1) will need to emphasise that only accessible data is re-usable, that is the first point; 2) information holders will have to consider if there is 3rd party IP (but note that EIR will over-ride this to an extent); and 3) in complex cases there will always be the possibility to extend the timescale.

The Open Data User Group – Heather Savory, Chair, Open Data User Group

Heather was appointed as Chair in May 2012 and gave a presentation on the role of the User Group

Role: To support Data Strategy Board in advising government on what public sector information should be released as open data - will take into account economic and social benefits - commitment made to work in open and transparent way.

Membership: Open recruitment process – more than 75 applications received.

Stakeholders: Large group including government, media and academia.

Two broad principles: (i) create consensus; (ii) transparency of process and advice

Key Outcome: To develop business cases over next 6 months to support release of further open data.

Aspiration: To intelligently identify and deliver data free at the point of use and for re-use.

Press release: Membership of group to be announced in press. (Update: more information [here](#).)

Issue: Data needs to be kept up-to-date. Identified challenge in terms of managing expectations, which need to be set properly and maintained

Q&A session

Q – how will you define data? Information may be charged for, data may be free – how will you distinguish between them?

HS – aspiration is to secure free data wherever possible. First get expressions of interest, focus on the content and the value to be derived. Licensing and cost is a separate element, it is getting it available that is key.

Q – have you any representation on ODUG from organisations that have already done this?

HS – ODUG will have 2 major corporations and some SMEs, but no international corporations. There will be a press release on membership tomorrow.

Q – as an entrepreneur, do I pitch to ODUG? To ODI? Or to data.gov.uk?

HS – we have to try to consider pitches in the round.

Q – This should be about a service, not a “dead data drop”.

HS – the White Paper is a step forwards, but we need to do more work on this to meet user requirements on things like regular updates. There is a balance to be struck – government needs to set realistic expectations and then keep to them and maintain them. ODUG should provide a mouthpiece back at government for re-users’ concerns.

HS – what are the main challenges for Forum members?

Q – for the health sector it is other data that is not actually part of a data set, such as data flow information (e.g. prescribing data), and then just the sheer volume of data.

Q – the raw data is not UKHO's, most users want processed not raw data. So the IP picture quickly becomes very complex.

Q – the time it takes to get data ready for release, e.g. clearing 3rd party data, personal data and other items of confidentiality. There is a great demand for real transparency, but it takes a great deal of resources.

Q – it's the business case. ODUG should ask for and collect and make available the information on what the business benefits of open data are. This is vital for future justifications – we need the real life business cases that will show “we made this money or other benefit as a result of this data release.” HS – confirmed that ODUG will do this.

Transport Disruption Data – Shane O’Neill, ELGIN/www.roadworks.org

Shane O’Neill gave a presentation on the work of ELGIN, a private sector company that uses road works data supplied by local authorities.

2004: local authorities have statutory duty to publish road works data

Road works: 95% occur on local roads rather than highways,
20,000 per local authority
3.5 + million pa (England + Wales)

Elgin was set up to resolve the issue where roadworks data is not fully published; meaning that it cannot be aggregated and therefore the country is not getting maximum value from it.

2011: ELGIN set up Sept 2011 covering 50% of the country; and had difficulty in gaining investment. Its aim was to scale up to a national dataset.

2012: Working with LAs, dataset is now at 76% - aspiration is for national dataset by 2014

Local authorities pay ELGIN for data publication and aggregation services. The data then becomes freely available to users of website and is updated every 30 minutes.

Q&A session

Q – how the data can be accessed by ELGIN, thinking about natural hazards such as flooding?

SO’N – this can be through layering – for example, Hampshire CC had a layer of gritting data which was used during the severe weather last winter.

Q – how did ELGIN get local authorities to sign up?

SO’N – it helped that the Minister gave a big push in 2004. ELGIN had a loyal user base but needed private data to spread it nationally out of the Midlands start up. So for example London’s London Works data uses ELGIN’s Streetworks API.

Q– was there any resistance from local authorities?

SO’N – there was some data hugging. Some of this was down to local embarrassment, but the main factor was outsourced IT contracts. The Minister for the Cabinet Office has identified this as an issue but has not yet resolved it.

Q – the business model is that the local authority subscriber pays – what about the value added data?

SO’N – that will change with maturity over time. At that stage then the local authorities will not be charged at all, the users of value added services will pay for the data.

Q – what happens when the feed goes down?

SO’N – it hasn’t happened yet. My big worry is how ELGIN will cope with scaling up.

Digital Licensing Framework – Nic Garnett, private sector advisor to Technology Strategy Board

Nic outlined the development of the Digital Licensing Framework (DLF) – an independent research project.

DLF is ‘an implementation of a copyright hub’. Rights holders can plug in and access systems and services that will help in terms of exchanging licensing info between rights holders and users. DLF forms part of the IC tomorrow programme - partly supported by IPO.

Issues: (i) Copyright property system; (ii) exclusive rights; (iii) rights holders have multitude of methods and systems for licensing rights; (iv) rights holders are diverse population

Risk management: What is the risk in licensing a particular work through such a system? The system could, for example, disrupt existing business models

Framework: Provides means by which rights user can identify rights holders and ask for a licence. Rights holder has potential to say: Yes, Maybe, No. System is in place and now going through usability testing.

Year 2 Goals:

- Create and connect rights holder databases from different content areas.
- Develop user interfaces that can translate rights users ideas into specific enquiries.
- Develop standard set of semantics for creating enquiries and licence profiles.
- Make system interoperable.

Principles: (i) voluntary; (ii) complementary; (iii) open; (iv) inter-operable; (v) useful

Long Term:

- Rights users and rights holders are able to find each other.
- System facilitates more automation in licensing.
- Copyright hub acts as telephone exchange.
- Provides a test environment for more advanced communication standards.
- Potential for pilot intermediaries.

Q&A session

Q – does the system display actual images, as the Tate does?

NG – There are licence profile rules for the images – you need enough metadata to make it work.

Q – MPS would be worried about reputational risk.

NG – that is where you get into difficult areas, and how the context filters work. The patterns of usage will only emerge once the system is live. NG is looking for more and more intelligent hubs, and for licensors to respond to patterns in requests and to respond accordingly.

Q – how do you balance the scope of requests to strike the match?

NG – I’ve tried to sit in the shoes of both the licensee and the licensor. If the systems are intelligent enough then the experience will grow with use.

Q – will there be links for orphan works, for instance if an orphan work is found in response to a request?

NG – yes, it might do. An acceptable level of due diligence would have to come into it. The system response would be “you have found an orphan work – go here”.