



## *APPSI Secretariat*

The National Archives • Kew • Richmond • Surrey TW9 4DU  
Tel: 020 8392 5330 ext: 2252 • Email: [secretariat@appsi.gov.uk](mailto:secretariat@appsi.gov.uk)

### **Response to the consultation on the Power of Information Report**

#### **1. Introduction**

1.1 The Advisory Panel on Public Sector Information (APPSI) is a Non-Departmental Public Body of the Ministry of Justice. Its members are drawn from a wide variety of backgrounds including: information providers; reusers and consumers of public-sector information; experts from academia and industry; representatives of producer and consumer groups; and representatives of the devolved administrations. Its role is:

- To advise Ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information;
- To advise the Director of the Office of Public Sector Information and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry, so that the licensing of Crown copyright and public sector information is aligned with current and emerging developments;
- To review and consider complaints under the Re-use of Public Sector Information Regulations 2005 and advise on the impact of the complaints procedures under those regulations.

1.2 Full details about our Panel can be found at [www.appsi.gov.uk](http://www.appsi.gov.uk).

1.3 On 1 February 2009, the Power of Information Task Force published an online draft report, inviting comments on the Task Force's recommendations to Government on

- how modern media can facilitate and embed the re-use principles of public sector information and improve public services;
- how data can be presented in re-usable formats;
- on the need for simplification of license models; and
- the need to improve access to government information.

1.4 APPSI welcomes the opportunity to respond to this consultation report. **This report is a majority report but is not agreed by all members. The Trading Fund representative on the Panel is not able to agree with or support this submission.**

### 1.5. The response addresses:

- Overview: the need to develop the knowledge economy and the re-use of public sector information through a more simplified licensing regime
- Recommendation 9
- Recommendation 10
- Recommendation 11
- Recommendation 12
- Recommendation 18

1.6 If you wish to discuss any of the points made in this response, please email the APPSI Secretariat: [secretariat@appsi.gov.uk](mailto:secretariat@appsi.gov.uk) or telephone: 020 8392 5330 ext: 2252.

## 2. Overview

2.1 APPSI commends the valuable contribution that the draft Power of Information report makes towards advancing the re-use of public sector information in order to improve public services and stimulate innovation, and in broad terms endorses its recommendations.

2.2 The report recognises that 'data and information are the lifeblood of the knowledge economy'. APPSI welcomes the Task Force's recommendations to develop the knowledge economy through a more simplified licensing regime to enable greater re-use of information by innovators, commercial organisations and government.

## 3. APPSI's views on Recommendation 9

3.1 APPSI supports this recommendation which sets out that:

- Basic geographic data such as electoral and administrative boundaries, the location of public buildings, etc should be available free of charge to all
- There should be simple, free access to general mapping and address data for volumes of data up to moderately substantial levels
- Voluntary and community organisations pursuing public policy objects should benefit from straightforward standard provisions for ensuring access to geospatial data without constraints
- Licensing conditions should be simplified and standardised across the board and, for all but the heaviest levels of use, should be on standard terms and conditions and should not depend on the intended use or the intended business model of the user
- The Ordnance Survey's substantial market power and strong government backing should be balanced by transparent public consultation on key business decisions
- The OpenSpace API, similar to but currently a constrained version of Google Maps should become the primary delivery point for the Ordnance Survey's services

- HMT and the Shareholder Executive in BERR should consider and address these issues in its Trading Funds Assessment due in Budget 2009.

3.2 However, APPSI recommends that the points in Recommendation 9 and the associated text in the report could be strengthened by:

- adding the cost benefits, including the indirect ones, of implementation of the Recommendation
- taking into consideration the period of licences to ensure that extended licence agreements do not incur unnecessary additional costs and bureaucratic processes which might deter information re-use. For instance, even if the original Ordnance Survey data is directly used for only a year, the resulting product may be in use for much longer
- highlighting the position of derived data, both for Ordnance Survey and other public bodies. Having complex rules inhibits innovation and increases costs. It would be worthwhile for the Government to consider the possibility of making the copyright in derived data the responsibility of the organisation that produces a product and therefore such an organisation should be able to exploit such products without constraint.

3.3 For Recommendation 9, APPSI urges the Government to consider the benefits that might be derived from the assemblage of a composite address file for the 2011 Census in England & Wales (from data supplied by Royal Mail, Ordnance Survey, and local government) and how such a file might strengthen public services and help to advance commercial productivity.

#### **4. APPSI's views on Recommendation 10**

4.1 APPSI supports this recommendation which sets out that:

- Government should ensure that there is a uniform system of release and licensing applied across all public bodies; individual public bodies should not develop or vary the standard terms for their sector
- The system should be a creative commons style approach, using a highly permissive licensing scheme that is transparent, easy to understand and easy to use, modelled on the Click-Use Licence, subject to the caveats below
- The Government should report on the options for these two recommendations by end 2009 and if required, statutory measures should be brought forward not later than the 2009/2010 session.

4.2 APPSI fully endorses the need to simplify Crown copyright and licensing regimes to encourage maximum exploitation of public sector information and the recommendation for setting up a standardised approach is the right way forward to achieving this aim. In order to reach this point, it is essential that a distinction is made between the Public Task of a Public Body and organisations (e.g. Trading Funds) that provide additional products or services for customers, on the basis that those customers fund such activities which are in addition to the Public Task, particularly since such products and services may well be sold in competition with the private sector.

4.3 In devising a simplified licensing regime, APPSI recommends that the Government considers the issues resulting from multiple sources of data - if an organisation or individual uses data from several public bodies then there is a substantial risk of it being very difficult (if not impossible) to use the resulting product, particularly if each originator has different licensing conditions. What appear to be small fees can quickly add up. These factors tend to inhibit innovation.

## **5. APPSI's views on Recommendation 11**

5.1 Recommendation 11 sets out that:

- Public information should be available at marginal cost, which in practice means for free. Exceptions to this rule should pass stringent tests to ensure that the national benefit is actually served by charging for information and thus limiting its reuse by exploiting the monopoly rights conferred by intellectual property regimes. OPSI (part of The National Archives) should define and consult publicly upon such tests which they then enforce.

5.2 APPSI acknowledges that marginal cost pricing has strong attractions, and is in favour of its adoption as widely as possible. However the Government should consider the existing charging regimes of public sector bodies before setting out new policies in this area.

5.3 The Government should also taking into account that the infrastructure requirements of providing information can be expensive. As 'no one size fits all', APPSI recommends that Government should empower OPSI to provide stronger regulatory supervision of fees set by public bodies for information re-use, to ensure that the calculation of information re-use charges is transparent and justifiable.

5.4 APPSI believes that an extension of marginal pricing should be that no charge is made by a public body for the use of derived products.

## **6. APPSI's views on Recommendation 12**

6.1 Recommendation 12 sets out that:

- The Taskforce judges that Click-Use licensing of Crown Copyright information measures up well against the goals of permissive use and simplicity where applied in government, but more work to be done on communicating it to potential reusers. We believe that Crown Copyright needs to be as well communicated and understood as Creative Commons. OPSI, part of The National Archives should look at ways to improve the presentation of Crown Copyright and begin a communications campaign to that end by end June 2009.

6.2 Subject to paragraph 6.3, APPSI supports the recommendation that Crown Copyright be better communicated, but also asserts that it should be extended to

include information from all Government bodies including those which hold their own copyright (e.g. The Environment Agency).

6.3 Crown Copyright is a name deriving from copyright legislation and describes a form of copyright which applies to works by reference to the circumstances of their creation (i.e. by officers or servants of the Crown). In this sense, it is *not* a description of a licensing regime or approach. APPSI agrees that it may be useful to 're-brand' Crown Copyright in the manner suggested, but would recommend that the existing legislative concept of crown copyright should be re-examined with a view to liberating the concept of use as a label for a certain approach to licensing, as suggested by recommendation 12. There is perhaps a need to link this recommendation with any work done pursuant to the discussion paper published by the UK Intellectual Property Office on developing a copyright agenda for the 21<sup>st</sup> century (<http://www.ipo.gov.uk/c-policy-consultation.pdf>).

## **7. APPSI's views on Recommendation 18**

7.1 Recommendation 18 sets out that:

- At a time of national economy, the public sector will need to resource and use world class centres of excellence such as OPSI, part of The National Archives carefully to avoid both wasteful duplication and missed opportunities to tap their expertise. Focusing resources and authority on OPSI will not only be more economical but will lead to greater consistency across the public sector - which is essential for those seeking to use public information. The Taskforce repeats Steinberg and Mayo's recommendation on resourcing OPSI.

7.2 APPSI wishes to point out that OPSI has achieved a great deal from existing resources. However, OPSI's potential to achieve far more is constrained by those resources. If public sector information is to be recognised for the asset that it is, and is going to become ever more important as a means of engaging with citizens, and as a platform for innovation, then it is essential that clear leadership and authority, backed by resources, is vested in OPSI to ensure that the recommendations made in the draft report are driven forward.

**APPSI**  
**16 February 2009**