



## ADVISORY PANEL ON PUBLIC SECTOR INFORMATION

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**Date:** Thursday 23 July 2009

**Time:** 11:00 am – 4:30 pm

**Venue:** The National Archives

**Chair:** Professor David Rhind CBE

**Secretariat:** Grazia Zaffuto

**Attendees:**

**Members:**

Neil Ackroyd, Representative Member, Trading Funds  
Stefan Carlyle, Representative Member, Information Providers  
Chris Corbin, Expert Member  
Eric Davies, Representative Member, Library and University Community  
Michael Jennings, Representative Member, Local Government  
David Lammey, Representative Member, Northern Ireland  
Hilary Newiss, Expert Member  
Hector MacQueen, Representative Member, Scotland  
Michael Nicholson, Expert Member  
Shane O'Neill, Expert Member  
Bill Oates, Representative Member, Wales  
John Ponting, Expert Member  
Prabhat Vaze, Expert Member

**Non-members:** Marcia Jackson, Head of Standards, OPSI  
Howard Davies, OPSI  
Graeme Paterson, Information Policy Advisor, OPSI

### **1. Welcome, apologies and introductions**

1.1 The Chair welcomed members to the 23<sup>rd</sup> meeting of APPSI.

1.2 Apologies were received from: Mike Batty, Christine Gifford, Peter Wienand and Patricia Seex.

## 2. Minutes and actions of the last meeting

- 2.1 **ACTION:** It was agreed that the Secretariat would include in the minutes of the previous meeting the offers of congratulations from the Panel to Mike Batty for being awarded a fellowship to the Royal Society.
- 2.2 **ACTION:** The Secretariat will post on the APPSI website the Panel's letter to the Minister regarding Ordnance Survey's new business strategy.
- 2.3 The members of APPSI who agreed to write to SABIP at the last meeting explained that a letter had not been sent as originally planned. Instead, they agreed to keep up to date with SABIP's developments through a representative from OPSI who attends the SABIP consultation workshops and to write to SABIP if there are any pertinent issues related to Crown copyright and the re-use of public sector information. **ACTION:** The APPSI Secretariat agreed to send APPSI members OPSI's feedback from the recent SABIP consultation workshop.
- 2.4 **ACTION:** The APPSI Secretariat agreed to post on the APPSI website APPSI's response to the final Power of Information Task Force report.
- 2.5 **ACTION:** The APPSI Secretariat confirmed that APPSI's Annual Report 2008-09 would be published on Monday 27 July, along with a press notice issued by the Ministry of Justice. The report would then be distributed to APPSI's contacts and each member would receive 5 copies to give out to interested parties.
- 2.6 The APPSI Secretariat had invited Sir Tim Berners-Lee to the APPSI meetings in September and December but Sir Tim said that he was unable to make the dates of these meetings and instead suggested that the Chair of APPSI and a few Panel members meet him and Nigel Shadbolt at a time when they were both in the UK.

## 3. Update from OPSI / The National Archives

### 3.1 New Initiatives

- The **Business Archives Strategy** was officially launched on 9 July 2009. The Business Archive Strategy praises the profile of business archives and their importance and ensures a framework for the sustainability of business archives in England and Wales. The launch was held at the House of Lords and was attended by high profile business figures.
- OPSI published the **UK Report on the Re-use of PSI 2009** on 20 July 2009. It highlights the activity in the PSI arena over the last year and emphasises OPSI's lead on PSI. The Report is available on the OPSI website at: <http://www.opsi.gov.uk/advice/psi-regulations/uk-report-reuse-psi-2009.pdf>.
- **PSI PerSpectIves** was launched on 1 June 2009. This online platform provides a forum to share information, views and work in progress on PSI initiatives with users and industry and encourages engagement with user communities.
- OPSI has developed a **new licence model**, building on the success of the Click-Use Licence. The new model improves on the current licensing system by streamlining the process. Government departments will now be responsible for licensing the re-use of their information. The licence terms and conditions were made available in draft form on PSI PerSpectIves on 17 June 2009.

- OPSI has developed **criteria** to assess whether government departments or agencies that wish to charge for the re-use of information over the marginal cost have valid reason for doing so. These criteria have been shared with key government stakeholders, seeking input, and will be available on PSI PerSpectIves.
- The **Digital Britain Report** was published on 16 June 2009. The Report underlines the importance of strengthening and modernising the UK's digital infrastructure and recognises the important role played by PSI and government content in the digital economy. One outcome of the Report is that the National Endowment for Science, Technology and Arts (NESTA) will lead a pilot to develop, test and implement a simplified intellectual property rights (IPR) framework for publicly procured digital media. A number of public sector organisations, including OPSI, COI, Cabinet Office, are contributing to the pilot study. OPSI met representatives of PACT on 3 July to share understanding of the licensing and rights issues relating to commissioned public sector data.

### **3.2 PSI Policy Developments**

- The European Commission stepped up legal action against Poland for wrongly transposing the EC Directive on the re-use of PSI. In the second step in the infringement procedure, the Commission asked Poland to take the necessary steps to comply with the EU rules within two months. If Poland does not comply within this time limit, the Commission can refer the case to the Court of Justice. This is the 19<sup>th</sup> infringement case brought against a Member State for failing to comply with EU rules.
- The Director of OPSI supported the Minister in his meeting with APPSI on 8 June 2009, where he was updated on APPSI's work. [A submission was sent to the Minister before the meeting]. OPSI's Head of Standards also supported the Minister in his meeting with Ordnance Survey regarding the progress with their new business strategy. OPSI, in consultation with OFT have responsibility for monitoring Ordnance Survey's business strategy.
- OPSI has been in consultation with OFT, the Shareholder Executive and Ordnance Survey to develop a series of high level measures on licensing and pricing that will enable them to track progress on the new Ordnance Survey business strategy. These have also been shared with Locus and other key stakeholders seeking input to ensure these are fair, reasonable, and achievable. OPSI will publish these measures on PSI PerSpectIves at the end July and invite APPSI to provide its views on them.
- OPSI has had a series of meetings with government stakeholders, including Department of Communities and Local Government, the Ministry of Justice and Defra to discuss the access and re-use of local government property search records. Further meetings have included the Local Government Association (LGA) and a number of local authorities. OPSI is working with the parties concerned to address a number of issues, including inconsistent approaches, information not being made available and high charges. It has been agreed that the long term aim is to have the property search data available online at marginal cost. The Head of Standards and her team presented a plan to the LGA detailing how re-use would look for a local authority. Work in this area is in progress and OPSI is hoping to have some procedures in place by autumn 2009. APPSI members offered the following advice:
  - OPSI should provide clear guidelines to local authorities on what they can and can't do with their data, as confusion creates barriers to access and re-use of local authority data;
  - OPSI should consult with the Environment Agency which has a lot of experience in managing information and making it available for re-use.

- OPSI is looking at derived data issues including the need to firm up wider government policy in the area.

#### 4. The people's perspective on "Free Our Data"

4.1 The Chair of APPSI welcomed Michael Cross, co founder (with Charles Arthur) of Technology Guardian's Free our Data campaign.

4.2 The speaker covered the following areas in his presentation:

- his personal journey in launching the Free Our Data campaign;
- how the Free Our Data campaign was launched; and
- where he sees the Free Our Data campaign and the re-use of PSI agenda going in the future.

4.3 The speaker made the following key points in his presentation:

- In the early 1990s he became interested in putting public services on e-Gov websites, which led him to consider the subtle questions of information policy, most notably, who owns government information?
- His thinking in public sector information policy was shaped by *Border and Cyberspace*, a report by the late Peter Weiss, which can be accessed at: <http://www.primet.org/documents/weiss%20-%20borders%20in%20cyberspace.htm>, February 2002. This report examines the fundamental differences in the policy and funding models for public sector information in the US as compared to Europe.
- The feature launching the Free Our Data campaign entitled '*Give us back our Crown Jewels*' appeared in the Guardian's Technology Section on 9 March 2006. This received mixed reactions – supportive calls from the Web 2.0 community but concerns were raised by Ordnance Survey as well as individuals against identity cards who believed the campaign encouraged the collection of data for that purpose.
- The Free Our Data campaign has run articles in the Guardian Technology Section almost every week since the launch of the campaign in 2006. He believes that the campaign has won the intellectual argument on Free Our Data but there is still a long way to go.
- The Free Our Data campaign will continue mainly on the web version of the Guardian newspaper.

4.4 The following overlapping points were made during the discussion:

- 'Free' data does not necessarily mean free to everyone (e.g. taxpayers), government needs to decide what information should be made available for free at the point of use and what should not and provide clear justification for any variations;
- It is important for government to decide whether the taxpayer or the user pays for PSI; and that there should be more community involvement in reaching such a decision;
- There needs to be a culture change in understanding the benefits of access to public sector information. This should be one of the priorities for the new Information Commissioner.
- We could argue that post codes are appropriately classified as personal information; again, this is an issue for the Information Commissioner to consider.
- The 'Free Our Data' campaign and public response should be seen as part of understanding the new economy.

Mr Cross and Mr Stott (see below) both joined in informal discussions with APPSI members over lunch and Mr Cross then left.

## 5. How APPSI can help drive the digital engagement agenda

5.1 The Chair of APPSI welcomed Andrew Stott, Director of Digital Engagement at the Cabinet Office.

### Presentation:

5.2 The speaker gave a brief introduction to his role. He was appointed to the new role of Director of Digital Engagement, a position created specifically to take forward the Power of Information agenda in line with government's response to the POI Report. He is based in Government Communications at the Cabinet Office and works across Government departments to encourage, support and challenge them in moving from communicating to citizens on the web to conversing and collaborating with them through digital technology.

5.3 His responsibilities include:

- implementation of the Power of Information Taskforce recommendations
- chairing the Government's Knowledge Council and working with The National Archives to take forward the Information Matters strategy for Knowledge and Information Management
- increasing the civil service's use of internal digital tools to improve cross-Government coordination and collaboration as an aid to better policy development and service delivery
- the civil service website.

5.4 The Speaker said his role has had its challenges from the start, as he lost his Minister on the first day and he received a letter from Downing Street asking for a plan on how to make data accessible to the public by the next day. This plan turned into the Prime Minister's announcement in Parliament on 10 June: "*[to ensure] that Government information is accessible and useful for the widest possible group of people, I have asked Sir Tim Berners-Lee, who led the creation of the World Wide Web, to help us drive the opening up of access to Government data in the web over the coming months.*"

5.5 The speaker said that he had received advice from Sir Tim Berners-Lee, who urged government to start moving the Digital Engagement agenda quickly, concentrating on releasing government datasets that people will want to use. It is important that government does not try to solve all the difficult problems immediately but ensure that government provides the right framework for allowing data to be released.

5.6 The speaker said he valued the opportunity of this early discussion with members of APPSI on how they see the key issues, particularly around the more easy availability of public sector information, and what members see as priorities for his agenda.

5.7 The following key points emerged from the discussion:

Comment/question	Response
The speaker said he was not dealing with the issue of the National Address Register but acknowledged that a single accurate database of addresses was desirable	One member said that the National Address Register should be tracked by the Location Council in due course
APPSI's representative for Wales said he	The speaker said he would talk to the Wales

was impressed with the Digital Engagement team's approach in obtaining quick wins, but asked what the quick wins for Wales would be?	Representative in more detail but reassured him that the Digital Engagement team intended to work with the devolved administrations and local government
One member of the Panel asked how APPSI would interface with the new high level advisory panel that was going to replace the Power of Information Task Force?	The speaker said that the Panel has not been formed yet but hopes that both advisory panels would work together. The new advisory panel's remit would cover the whole digital engagement agenda, as well as focusing on making public data available. The Chair of APPSI said that the Panel would be happy to work with the new advisory panel and to talk about ways of minimising overlap
One member said that efficiency gains could only go so far and asked how the Digital Engagement project was going to be funded?	The speaker said that the Digital Engagement project needs to establish priorities and that it planned to make its budget and expenditure transparent in order to maintain public trust
Another APPSI member pointed out that people's choices are bounded – the Digital Engagement team needs to make clear what it is offering to the public	The speaker said that policy makers are learning that proceeding with public consent is the way forward in terms of making and implementing good policies
One APPSI member said that a PSI copyright policy has to be applicable for all areas of the public sector – Crown copyright as it stands is not the right model	The speaker said that in terms of developing a new copyright approach, government was seeking consistency across the public sector

## 6. APPSI update

### 6.1 INSPIRE Directive Update

- Between March and May 2009 Defra, in cooperation with the devolved administrations undertook a 12 week consultation on the policy principles underpinning the proposed regulations. Consultees were asked whether they were content with the approach being proposed to the definition of 'public authorities and the derogations suggested relating to data access and sharing. Consultees were also asked for comments on the draft regulatory impact assessment. This consultation comprised both a formal written consultation and outreach events referred to above. The written consultation document was sent to nearly 250 public and private sector organisations and was available throughout on the Defra website. 46 organisations responded representing a wide cross section of interests. The same questions that were in the written consultation were put to the nearly 200 attendees at the outreach events. Analysis of responses is published on the Defra website <http://www.defra.gov.uk/corporate/consult/inspire/summary-responses.pdf>. The timetable going forward is as follows:
  - Finalise the INSPIRE Regulations at the end of August;
  - Lay the INSPIRE Regulations before Parliament in September;
  - INSPIRE Regulations to become statute at the beginning of October.
- INSPIRE has sufficient funds to continue its five-year programme, with a timetable for full implementation over 10 years.

## **6.2 Update on European PSI developments**

- APPSI's European Expert provided a written update in advance of the meeting. At the meeting, he made the following key points:
  - The publication of the Communication following the review of the PSI Directive by the Commission initiated a process that invites a response from the European parliament, the Council, and the European and Social Committee of the Regions – this is the first step in the process;
  - The response to the Communication as to whether the law needs to be tightened in enforcing the re-use of PSI is expected in early 2010;
  - The EC has stepped up infringement action against Poland for the inappropriate transposition of the EC Directive. The EC is likely to take more member states through the infringement process;
  - The level of PSI activity is on the increase across Europe which means that other members states are catching up with the UK and could possibly overtake us. It is therefore important that the UK maintains its momentum in PSI developments;
  - The UK, Spain, France and Belgium might want to consider working together in helping other member states to develop their PSI policies;
  - The European PSI platform is still active – the first pan European meeting on PSI re-use is planned for November 2009. APPSI gets represented indirectly at these meetings.

## **6.3 Local Government Survey**

- The APPSI member responsible for the Local Government Survey made the following key points:
  - Since 2006 his organisation, PSI Consulting Ltd., has undertaken a series of annual surveys of the Local Government sector in England & Wales seeking to gauge actual compliance with the stated aims of the European Directive on the re-use of Public Sector Information and the PSI Re-use Regulations within the UK governing access to and re-use of the Public Sector Information resource.
  - The results, although detailing progress in certain areas, have generally indicated that this sector has been quite slow in achieving full and active compliance with the requirements of the Directives governing the re-use of Public Sector Information.
  - In undertaking the current 2009 survey, PSI Consulting Ltd. has taken the decision to change the format of the enquiries by undertaking a survey to consider the impact of the PSI Re-use legislation against a number of other recent areas of legislation which impact upon the UK information marketplace with particular reference the property search sector.
- The survey concluded that:
  - In essence the England and Wales market is experiencing fundamental changes in the deregulation of previously standardised fees and an increase and diversification in charging powers which may result in radical price increases in the market for commercial search concerns;
  - It appears highly contradictory to joined up policy making that, whilst government bodies such as OPSI and APPSI are striving to promote an open information interface and active compliance with PSI re-use policies, other government departments such as the Department for Communities and Local Government and The Ministry of Justice are seeking to allow the introduction of new, locally set and

- increased charges to access the information resource and actively considering the de-regulation of existing fee structures within the information resource;
  - One of the most striking points to be taken from the survey of the movement of fees. For instance, a fee in one authority that may bear no relation to a fee for the same service as charged by a neighbouring authority.
- The APPSI representative from PSI Consulting Ltd recommended that there should be:
  - standardisation and consistency of policy in the market;
  - consistency of service delivery;
  - consistency of charges.

## **Discussion:**

- APPSI members agreed that OPSI should work with the LGA and selected Local Authorities to set out the principles / tests that should be applied to demonstrate that Local Authorities have arrived at fair charges. APPSI acknowledged that property search legislation is at an early stage in an evolving process and that the situation is likely to change as a result of the Information Commissioner's guidance on property searches. This guidance provides advice to local authorities on how they should respond to requests made for local property search information, what the relationship is between the Environmental Information Regulations and the Local Authorities (England)(Charges for Property Searches) Regulations 2008 (the CPSR), and in particular whether the information provided in response constitutes environmental information as defined in the EIR. Further information can be accessed on the ICO website at: [http://www.ico.gov.uk/upload/documents/library/environmental\\_info\\_reg/practical\\_application/fepl16\\_property\\_searches\\_and\\_eir\\_v1.pdf](http://www.ico.gov.uk/upload/documents/library/environmental_info_reg/practical_application/fepl16_property_searches_and_eir_v1.pdf) with the announcement of the Environmental Information Regulations ruling.
- OPSI welcomes input from APPSI's Local Government representative and the member from PSI Consulting Ltd to help develop the principles.

## **7. AOB**

7.1 A letter from representatives from the Shareholder Executive leading on the implementation of Ordnance Survey's new business strategy asked the Chair of APPSI to update the panel on their work:

- Shareholder Executive is continuing to work very closely with Ordnance Survey Board in delivering the Strategy as announced at the Budget.
- Although work is progressing on all the Goals within the Strategy, probably the greatest focus currently is on the reform of the pricing and licensing structure, since this is recognised as the most fundamental strand in improving access to data for re-use.
- Good progress is being made towards the design of a new licensing framework for announcement in October.
- There have been regular meetings with OS, OPSI and Shareholder Executive to discuss particular issues (the most recent was on derived data) and OPSI/OFT have now agreed a set of measures against which they will measure and report progress publicly in the Autumn and in April 2010.

- Shareholder Executive has been considering the nature of Ordnance Survey's public task and how it should be redefined to align with the new Strategy. The public consultation on this will not happen till Parliament returns from Summer Recess, because of the need to ensure collective Ministerial agreement.
- Shareholder Executive and Ordnance Survey are also engaging with Cabinet Office on the work being led by Sir Tim Berners-Lee and also with the Local Government Association on a more collaborative approach to data provision.
- Ordnance Survey received close to 100 on-line comments on its strategy. Several key themes have emerged (for example around derived data) that are being fed into the work programme and Ordnance Survey will shortly be responding publicly to the comments.
- Shareholder Executive and Ordnance Survey have also both received requests under the Freedom of Information Act relating to the Trading Funds Assessment and the Ordnance Survey business strategy which they are responding to.

7.2 One APPSI member suggested that APPSI should invite a senior representative from the Office of Fair Trading at a future APPSI meeting to discuss Ordnance Survey's new business strategy and the Trading Funds outcomes in the Operational Efficiency Programme launched in April 2009 as part of Budget 2009.