



ADVISORY PANEL ON PUBLIC SECTOR INFORMATION

Date: Wednesday 4 March 2009
Time: 10:30 am – 3:40 pm
Venue: Church House Conference Centre
Chair: Professor David Rhind CBE

Deputy Chair: Peter Wienand

Secretariat: Grazia Zaffuto

Attendees:

Members:

Neil Ackroyd, Representative Member, Trading Funds
Mike Batty, Expert Member
Chris Corbin, Expert Member
Christine Gifford, Representative Member, Information Management
Community
Hilary Newiss, Expert Member
Michael Nicholson, Expert Member
Shane O'Neill, Expert Member
Phillip Webb, Expert Member

Non-members: Carol Tullo, Director, Office of Public Sector Information (OPSI)
Jim Wretham, Head of Information Policy, OPSI
Kirsty McLaughlin, Standards Manager, OPSI

1. Welcome, apologies and introductions

1.1 The Chair welcomed members to the 21st meeting of APPSI.

1.2 Apologies were received from: Stefan Carlyle, Eric Davies, Keith Dugmore, John Gray, Hector MacQueen, and John Ponting.

1.3 The Chair said that the two speakers – Peter Shortt, Director at the Shareholder Executive and Michael Jennings, Director at Surrey County Council would be present at the meeting for their particular sessions.

Minutes and actions of the last meeting

2.1 All actions from the previous meeting on 18 September 2008 were completed and all members expressed their approval of the minutes for that meeting.

Update from OPSI / The National Archives

3.1 New Initiatives

- **OPSI Unlocking Service:** one of the more positive initiatives to emerge from OPSI's Unlocking Service is the Edubase website which is being re-launched by the Department for Children, Schools and Families in a more accessible format. The Unlocking Service has received over 40 requests since it started, with a target of 50 by end March 2009. A voting facility was added to the Unlocking Service, allowing users to vote on requests for information, giving weight to the request and allowing OPSI to see what is most requested. See: <http://www.opsi.gov.uk/unlocking-service/OPSIpage.aspx?page=UnlockIndex>
- **IFTS:** Companies House and the Coal Authority have joined the Information Fair Trader Scheme (IFTS), which brings all the major information traders under OPSI's regulatory regime. Company's House's verification is scheduled for March 2009 and that of the Coal Authority is scheduled for April 2009. It has been agreed that FCO Service, OGC, HSE Laboratories and NHS Information Centre will also join IFTS.
- **IFTS Review:** OPSI has been conducting a fundamental review of IFTS both to make it more robust and also to reflect the changes taking place in the information world. To this end, new principles are being introduced: maximisation, which will require members to proactively free up their data to others; simplicity, which will ensure that licenses and processes are simple and easy to use; and innovation, which will enable members to help users exploit their information. OPSI has circulated its draft paper on its proposals for IFTS and welcomes any advice or comments that APPSI has to offer. Further information about the IFTS can be found at: <http://www.opsi.gov.uk/ifts/index>
- **EC Directive on PSI Re-use:** Under the EC Directive, all exclusive agreements had to be terminated by 31 December 2008 and those that could not be terminated required a justification for retaining their agreements. OPSI/HMSO terminated one agreement and concluded that two others fell outside the scope of the PSI Regulations. OPSI has collated all the exclusive agreements granted across central and local government and these were published on the OPSI website in December 2008. See: <http://www.opsi.gov.uk/advice/psi-regulations/advice-and-guidance/psi-guidance-notes/list-of-exclusive-arrangements>

3.2 Ministerial contact

- The OPSI Director has had several meeting with the Minister of State for Justice, Michael Wills MP, since the last APPSI meeting in September 2008. On 18 December 2008, the Director of OPSI met Michael Wills MP and the Chief Executive of Ordnance Survey to discuss Ordnance Survey's new proposed business model. The OPSI Director and Michael Wills MP are also scheduled to meet the Chief Executive and the Chairman of Ordnance Survey in April 2009.

- The OPSI Director briefed Scottish officials with trading fund interests on 19 December 2008 on the current status of the Trading Fund Assessment. She also contributed to a joint briefing to the Cabinet Secretary for Finance and Sustainable Growth, in the Scottish Government.
- The POI Task Force final report was launched on 3 March 2009 in response to the comments submitted to the draft beta version of the report in February 2009. OPSI is tasked with a number of recommendations in the final POI Task Force Report:
 - Running a communications campaign to clarify and improve the understanding of Crown copyright
 - Leading on work to establish a PSI repository function
 - Developing and further testing a model to inform online publishing
 - Updating and consolidating OPSI guidance on the technical route for publishing PSI.

OPSI will set out its views on these recommendations in the Government's response to the Power of Information Task Force Report which is being co-ordinated by the Cabinet Office.

3.3 PSI Policy Developments

- The last Shareholder Executive Assessment Steering Group was held on 13 February 2009. The Shareholder Executive Trading Funds Assessment will be published at Budget 2009 (22 April), alongside the Operational Efficiency Programme (OEP) which examines asset management strategies and disposals.
- The European Commission (EC) published the responses to its online consultation on the Review of the PSI Directive last month. A report commissioned by the EC on the assessment of PSI has also been published. An EC roundtable discussion was also held on 2-3 February 2009, in Paris to set out the next steps required to achieve significant growth in the market for products and services based on the re-use of PSI. OPSI continues to support the work programme of the EC Directive.
See: http://www.epsiplus.net/news/news_highlights/ec_psi_consultation_report_published
- The OPSI Director sits on the Location Council which is planning to create a spatial data infrastructure for the UK in order to enable the wider public sector, the private sector, and the citizen to access, share or re-use 'place-based' information. The OPSI Director has been asked by the Location Council to lead a workstream with a focus on a geohub and rights management. There are 3-4 Council members allocated to each workstream. The next Location Council meeting is scheduled for 12-13 March 2009.
- OPSI continues to feed into the intangible assets initiative launched by the Intellectual Property Office (IPO). The IPO intends to develop common principles and recommendations to support the maximisation of intangible assets and to report these to David Lammy, the Minister for Higher Education and Intellectual Property in March 2009. The project is wide-ranging, acknowledging economic and social benefits that can be derived from intangible assets. OPSI is represented on the working group and its main remit is to ensure that the intangible assets initiative does not conflict with the PSI re-use agenda.
- Stephen Carter, the Minister of Communications, Technology and Broadcasting announced the launch of the Digital Britain Review on 17 October 2008. The project represents the Minister's responsibilities across both DCMS and BERR. It details how digital technology has driven productivity gains throughout the wider economy and how Britain can maintain its competitiveness by innovating and meeting the challenges of the demands of a modern knowledge-based economy. An interim report [published 29 January 2009] details the plan to

secure Britain's place at the forefront on the global digital economy with over 20 recommendations, including:

- next generation networks
- universal access to broadband
- the creation of a second public service provider of scale
- the modernisation of wireless radio spectrum holdings
- a digital future for radio
- a new deal for digital content rights
- enhancing the digital delivery of public services.

3.4 Awareness Activity

- The Director of OPSI gave a presentation on the Power of PSI at the Managing Public Sector Information conference on 5 February 2009, organised by Kable, a leading provider of public sector research, publishing and event services. Richard Allan, Chairman of the Power of Information Task Force, and Vanessa Lawrence, Chief Executive of Ordnance Survey, also gave presentations at this event.
- OPSI is hosting a conference in conjunction with Whitehall and Westminster World on 20 October 2009. The conference is called *PSI in Action: transforming the information landscape* conference and will focus on:
 - Economic activity and the benefits to the information industry;
 - Social benefits that flow from removing obstacles to re-use; and
 - How re-use can transform public service delivery.

Trading Fund assessment results: how can APPSI help drive constructive change in this area

4.1 The Chair of APPSI welcomed Peter Shortt, Director at the Shareholder Executive leading on the Government's Trading Fund Assessment. This is the second time that Peter Shortt has presented to APPSI on this subject. The first time was at the APPSI meeting in July 2008 which coincided with the start of the Trading Fund Assessment.

Presentation

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

- The Trading Fund Assessment was initially announced in Budget 2008 to consider six 'data-rich' Trading Funds: Ordnance Survey, Met Office, UK Hydrographic Office, Companies House, DVLA, and Land Registry.
- The aim of the Trading Fund Assessment is to determine how the information they produce can be made more readily available for innovation and growth and what impact any changes in the regime for access/charging for data would have on their business models.
- The Trading Fund Assessment's view is that a new strategy is needed for Ordnance Survey, whilst the remaining five Trading Funds should be allowed to continue and to extend their best practice.
- Ordnance Survey's existing business model has been identified as complex and difficult for any commercial partners and customers to navigate.

- The Shareholder Executive team has worked and is working closely with Ordnance Survey to devise a new business strategy.
- The aim is to get Ordnance Survey's business strategy agreed by Ministers and outlined in Budget 2009 (22 April 2009).
- The Trading Fund Assessment has been subsumed into the Operational Efficiency Programme which was announced by the Chief Secretary of HM Treasury in July 2008.
- Significant changes in the ownership of Trading Funds are not expected, but we have to take into account that in the last six months, government is operating in a difficult fiscal environment.
- Ordnance Survey's new business strategy has not been finalised which means that the Shareholder Executive is still keen to hear the views of APPSI to ensure that the right issues are being addressed.

Discussion

4.3 The following key points were made during the discussion:

- The speaker believes that in the future public sector information will be made freely available but not necessarily available for free.
- In response to a question, the speaker would not be drawn on whether the financial crisis had removed any possibility of following the Free our Data proposals.
- The speaker said that each Trading Fund operates in an environment characterised by multiple trade-offs and dogged by constraints. There is no single business template that can be applied to all Trading Funds.
- A member of APPSI commented that the financial crisis seems to have led public sector bodies to take a more regulatory approach to their organisations.
- The speaker argued the need for greater supervision in the public sector rather in future – rather than greater regulation.
- A member of the Panel urged that the Trading Fund Assessment should recommend to Ministers that Government must take forwards low-cost initiatives that will improve the re-use of public sector information. He particularly wanted to see the 'Public Tasks' of public sector bodies independently defined, as well as greater clarity over what is upstream and downstream. He argued that greater clarity of these definitions will enable the Government to place itself in a sounder commercial position.
- Another member welcomed the efforts that were being made to ensure that Trading Funds operate more transparently and efficiently. However, he also argued that, along with changes of governance, Trading Funds also need to undergo a change of culture.
- Although there are significant differences between each Trading Fund, it is important as a minimum, that the broad principles for commercial operation are agreed.
- **ACTION:** The speaker will decide if the Shareholder Executive Trading Fund Assessment would wish to have further input from APPSI prior to Budget 2009 and, if so, on what topics.

- **ACTION:** APPSI will consider if the outcome of the Trading Fund Assessment post Budget 2009 and will provide advice to Ministers.

Local Government perspective on public sector information re-use

Presentation

5.1 The speaker made the following key points in his presentation (see APPSI web site for slides):

- Central and local government both use information to develop the economy, generate standards, and produce income.
- Local Government provides information to three main groups: the public, the public sector and the private sector.
- Local Government has been taking a more business-like approach to information delivery:
 - Rationalising and developing information systems and publication schemes
 - Developing technical standards
 - Constructing local and national data sets
 - Setting up the Local Government Information House (LGIH) and Land Data to represent its interests and improve procurement and trading.
- At the same time as seeing a rising demand for information, local government is experiencing certain constraints that create barriers to information re-use, which include:
 - insufficient capacity to deal with information requests notably in staffing and finance
 - loss of core income in real terms from government
 - grant and council tax constraints
 - a lack of consistent approach to licensing and pricing of information by the 400+ LAs, each of which is virtually a sovereign body benefits to the authority from making information available are not always evident.
- Information re-use in local government can be improved if local authorities
 - adopt one business model
 - are provided with clear guidance from central government in terms of policy and legislation
 - are guaranteed a fair financial return.

Discussion

5.2 All present were of the view that the provision of PSI is at best patchy across all Local Authorities. The discussion focused on the need to get and mechanisms for incentivising local authorities engaged in information re-use. The following key points were made:

- The speaker argued that a national campaign is required to get local authorities engaged with the importance of information re-use and encourage the wider use of Click-use Licenses.
- Local authorities also need to be made aware of the cost-benefits that they can obtain from making their information available for re-use. In order to do this effectively, it is important to target Chief Executives of local authorities and perhaps enlist the support of the Information and Development Agency (IDeA) and the Local Government Association (LGA).

- The speaker said that he would like to see a selection of approximately 20-30 London authorities and metropolitan cities chosen on a geographical level to participate in such a national campaign to help raise the profile of information re-use. These authorities should be provided with an off-the-shelf pack to encourage other local authorities to take on PSI re-use.
- We should seek advice from the LGA as to which local authorities should be targeted to participate in an awareness raising campaign.
- Another member said that local authorities need to establish where their information delivery service starts and ends. If local authorities choose not to charge for data they will need to make clear the terms of their service. A common licensing framework across the public sector will set standards for information delivery.
- Local governments should also consider working with the private sector e.g. exploring the option of outsourcing information to private sector organisations that are able to deal with the demands of a continuous service and to also to learn best practice.
- Local government is in a unique position to collect information that is not currently being collected but would be of value to various sectors. In order to get to this stage, local authorities require incentives to encourage them. What should those incentives be?

APPSI's strategy and objectives for 2009

- 6.1 The Panel considered the two papers provided by Michael Batty and Shane O'Neill (see APPSI web site). It was agreed that we need to focus tightly on key issues even though the PSI remit gives us almost infinite scope for comment or action. Given the likely resources available to us, this was deemed both inevitable and sensible. All present believed APPSI should take a more proactive role in giving advice to Ministers and OPSI.
- 6.2. **ACTION:** Members agreed actively to identify relevant issues to bring to the table for discussion and debate within its terms of reference. At the end of each meeting, the Panel would then decide if there was any useful advice it should give Ministers as a result of what transpired or if it should write formally to OPSI on a particular area pertinent to the PSI agenda.
- 6.3 **ACTION:** After the meeting it was agreed that the Panel's views on APPSI's future objectives would be sought by an APPSI member and set out in APPSI's Annual Report 2008, which is due for publication in May 2009.

APPSI updates

Review of APPSI's review function

- 7.1 **ACTION:** The Panel agreed the review function of APPSI under the PSI Regulations does not need to be revisited or re-assessed. However the Chair and Deputy Chair of APPSI need to establish clear guidelines for selecting the right people to sit on the review board.
- 7.2 **ACTION:** The member of APPSI from Intelligent Addressing agreed to share with the Deputy Chair of APPSI and the Director of OPSI the legal advice he received in respect of Intelligent Addressing's complaint against Ordnance Survey in 2007. The Director of OPSI said that the advice she had received from Counsel was already available so we should compare the two.

Power of Information Task Force Report

7.3 **ACTION:** The Panel agreed that it would submit a response to the POI Task Force final report. The APPSI Secretariat will assign named members to lead on particular recommendations, and anyone on the Panel who wishes to inform particular recommendations should supply their comments to those leads. The Panel agreed that their response should be submitted to the POI Task Force after the Government has published its response to the Report.

APPSI Recruitment of board members

7.4 The Chair of APPSI and the Director of OPSI interviewed candidates on 2 and 3 March with an independent assessor from the Office of the Commissioner for Public Appointments. Recommendations for appointment will be put to the Minister of State for Justice, Michael Wills MP and after candidates have accepted their offer of appointment, an announcement will be made via a press notice. It is hoped that appointments will be confirmed by 1st April 2009.

AOB

Postcode Address File – proposed new licenses and their effects

8.1 **ACTION:** It was agreed that APPSI's statistical expert member should draft a letter to Royal Mail addressing the concerns set out in Association of Census Distributors' letter. If possible this should be done under the aegis of the Royal Mail's consultation on the Postal Address File.

Next APPSI meeting

8.2 **ACTION:** The Panel agreed that the next meeting should be held after the Budget announcement on 22 April 2009 in order to discuss the outcomes of the Trading Fund Assessment and other important issues. A new date for the next meeting will be confirmed by the APPSI Secretariat (afternote: This meeting has now been fixed for 11:00 am on 18 May 2009 at the Ministry of Justice).

APPSI annual report 2008

8.3 **ACTION:** The Secretariat will circulate a draft plan for APPSI's annual report 2008 along with requests for contributions from particular members. The aim is to publish the APPSI annual report by mid-May 2009.