



ADVISORY PANEL ON CROWN COPYRIGHT

Third meeting of the Advisory Panel on Crown Copyright

Date: Wednesday 28 January 2004

Time: 10.00 a.m. - 3.00 p.m.

Venue: G.45, Admiralty Arch

Chair: Professor Richard Susskind, OBE

Secretary: Thomas Papworth

Attendees: Toby Bainton, Society of College, National & University Libraries

Stefan Carlyle, The Environment Agency

Michael Clark, independent consultant

Trevor Fenwick, Euromonitor PLC

Dick Greener, Thomson Legal & Regulatory Europe

Stephen King, Royal National Institute for the Blind

Hector MacQueen, University of Edinburgh

Howard Picton, CILIP

John Ponting, The Met Office

Christopher Roper, Tangram Associates

Duncan Shiell, Ordnance Survey

Peter Wienand, Farrer & Co

Nicola Wood, IdEA

David Young, Universities UK

Roger Dixon, Ulster Folk and Transport Museum

Carol Tullo, Controller and Queen's Printer

Marcia Jackson, Head of Regulation, HMSO

Geoff Sadler, HMSO

Welcome & introductions:

1. Professor Susskind welcomed the Panel members and in particular Hector MacQueen, the new representative of Scotland. He also paid tribute to Jane MacKenzie and Rebecca Davies, the outgoing Scottish and Welsh representatives. He also welcomed the appointment of Michael Allen to represent Wales, but he was unable to attend the meeting.
2. Professor Susskind also introduced Marcia Jackson, the new Head of Regulation at Her Majesty's Stationery Office (HMSO) and thanked Geoff Sadler, the outgoing Head of Regulation, for his input.

General update:

3. Professor Susskind summarised the progress of the Advisory Panel on Crown Copyright (APCC) over the preceding six months. He described the recent meetings with the Department of Trade and Industry (DTI) and Her Majesty's Treasury (HMT). These departments led on the Cross Cutting Review of the Knowledge Economy from which the Panel originated. These meetings were held to update DTI and HMT on the Panel's progress and to allow them an opportunity to raise issues of interest.
4. It was noted that while the DTI has a close involvement with the Panel, Crown copyright and public sector information (PSI) are issues that range wider than economics and trade.

APCC response to the partial regulatory impact assessment on the EU Directive on PSI:

5. Peter Wienand began by giving an overview of the Panel's response to the Consultation Document on the partial Regulatory Impact Assessment (RIA) on the proposed *EU Directive on the re-use of Public Sector Information*. He noted that the Panel had broadly supported the response. One key issue was not enforcement of the Directive (which went without saying) but the style of enforcement regime. As the Panel was divided between support for the two options outlined in the RIA, discussion had led the Panel to recommend a third option which steered a path between the formal regulatory option and a code of best practice. This could take the form of establishing an independent ombudsman and tribunal for complaints with powers to resolve disputes, so reducing the cost of adjudication.
6. In response to a question from Hector MacQueen it was confirmed that a separate response had been made regarding implementation of the EU Directive in Scotland. He emphasised the need to consider the different freedom of information legislation in Scotland, especially as this is a flagship policy of the coalition government and may therefore attract high-level attention.
7. Carol Tullo explained the current situation regarding responses to the RIA. The responses had been summarised and were to be placed before the Minister. They should be published by the beginning of February and Ministers will then require an options paper. A second RIA will be issued in autumn of 2004.

Overlap of freedom of information with reuse of public sector information legislation:

8. Professor Susskind discussed his draft paper on the need for freedom of information (FoI) legislation to dovetail with work on the reuse of PSI. Overlaps and conflicts with environmental

information regulations, e-government rules and data protection legislation, among others, should also be considered. It was felt that there was a lack of cohesion and strategy for information management within the UK public sector. At the same time there is a concern that introducing system changes now, when bodies are in the middle of implementing FoI legislation, may delay implementation of FoI and create upset and resistance.

9. It was noted that there is a difficulty for government trading funds in that FoI applies to all data held whereas PSI only refers to that data generated for a public task. Furthermore there is information of a commercial nature held by trading funds that cannot be shared without undermining the privacy of commercial clients.
10. The Panel debated the difference between “access” and “reuse”. While the UK government emphasised the difference between the two, in Brussels the final draft definition of “re-use” blurred the borders. It was stressed that any attempt to unify the two would require input from the Department for Constitutional Affairs (DCA). Professor Susskind concluded by calling for a member to volunteer to attempt to define the terms more rigidly.
11. Members were asked to send any comments on Professor Susskind’s draft paper to Thomas Papworth within two weeks. Professor Susskind asked for a volunteer to help write the paper. Once finalised it should be sent to Cabinet Office and DCA Ministers. Members asked whether it should be promulgated more widely (in addition to its being published on the APCC website). Professor Susskind agreed to discuss gaining wider support for the paper with Carol Tullo.

Measurement of public sector information:

12. Trevor Fenwick and Christopher Roper presented draft papers for consideration on the measurement of public sector information. The apparent lack of statistical data was of concern as such data should inform policy-making and business planning. To counter this, Christopher Roper had devised a taxonomy of PSI, while Trevor Fenwick considered how this might be used and what the policy issues were. Following a meeting with Carol Tullo it was agreed that the taxonomy needed rationalising.
13. Key questions include the impact of the change in government policy on reuse following the Cross Cutting Review of the Knowledge Economy and what statistics exist to measure value-added public sector information. It was noted that the APCC does not necessarily have the resources for this study itself but that it could lay the groundwork and perhaps set a methodology. It was agreed that key documents relating to PSI – and particularly the measurement and value of PSI – should be forwarded to Thomas Papworth for publication on the APCC website.
14. In particular, the Panel questioned the origin and accuracy of some of the vast sums which commentators claim PSI might be worth in Europe and the UK.
15. Studies have been made into the value of public sector information. Geoff Sadler noted that the European Commission has issued an invitation to tender for a study of the exploitation of PSI within Europe and benchmarking with other regions. However, involvement with this is probably beyond the resources of the Panel.
16. Following on from the work of Trevor Fenwick and Christopher Roper, John Ponting and Duncan Shiell agreed to consider what statistics government trading funds could provide to

yield a time-series demonstrating how the market is developing. HMSO could also provide statistics. Thomas Papworth agreed to find out if this data can be broken up to discern whether there were any patterns developing over time. He also agreed to ask the Digital Content Forum if they would invite their members to provide feedback of examples of positive or negative experiences of reuse of PSI, including case-studies of good practice and any data that might help generate a picture of how the market has developed.

17. Carol Tullo agreed that case-studies would be useful. It would, however, be difficult to generate statistics based on the new Click-Use licence. Click-Use was deliberately streamlined for ease of use and so did not capture details of what information was being used, for what purpose or what revenue it generated. This reduces costs for both business and the taxpayer but made the generation of statistics harder. Furthermore, taking out a Click-Use licence often falls to junior staff within organisations – senior decision makers are rarely involved. It was notable, however, that as the bureaucracy involved declined HMSO's role advising those taking out licences has increased, suggesting that more difficult and interesting uses for PSI are being found and more complex products created.
18. Stefan Carlyle suggested that this issue should also be discussed with the Inter-governmental forum on Geographic Information so that the questions could be taken to a wider audience. He volunteered to do so.

Emerging techniques and technologies:

19. Professor Susskind gave a presentation outlining his initial thinking on the issue of emerging techniques and technologies. A discussion followed.
20. Professor Susskind began by noting that there is value in making core data available to intermediaries who can add value to it but that this is only a limited form of reuse compared with the impact if the full potential of the knowledge in government were unlocked. For this to occur there would need to be a move from the limited reuse of information to wider, generic exploitation. The government should seek to ensure that all the valuable knowledge capital and experience that exists within the public sector, and within public sector workers, is captured and reused. The public sector is potentially the most valuable body of intellectual capital in the UK but it is currently under exploited.
21. To maximise the exploitation of government information capital requires a greater understanding of where and how public sector information is stored. It resides among other places in:
 - The work of public servants
 - Data and information gathered
 - Knowledge and expertise synthesised and created
 - Ideas and wisdom
 - Reports, analysis, research, policy papers and recommendations
 - Research and development commissioned by the public sector
 - Reports and other deliverables from external consultations
22. It is also important to consider where and how it is stored. Professor Susskind identified the following areas, among others:
 - Formal publications

- Document management systems
- Knowledge management systems
- E-mail records
- Within the minds of public servants

23. Finally, Professor Susskind asked whether current technologies could support generic exploitation. He recognised that this was a big question and explained that he had consequently arranged for HMSO to produce two reports on Information Management and on Knowledge Management in government. Copies were distributed to members and their feedback requested. A discussion was then invited.
24. In response to the question for whose benefit the Panel were examining information and knowledge management, Professor Susskind explained that it was to stimulate discussion, encourage better flow of knowledge within government and also to seize the opportunity to share knowledge more widely throughout society. He cited the example of the excellent country research produced by the Export Credit Guarantee Department.
25. Some sectors (e.g. the meteorological community) are already used to sharing information and tailoring it to end users. “Infomediaries” also serve a purpose in identifying valuable information and disseminating it in a useful form.

Seminar on the economics of public sector information:

26. The Panel intends to hold a one day seminar on the economics that underpin policy on public sector information at the Oxford Internet Institute on 18 March 2004. They hope to invite up to 25 participants including members of the Panel, the Institute, HMSO, DTI, HMT, DCA and other guests. John Ponting and Duncan Shiell agreed to write papers to present at the seminar.
27. Professor Susskind invited members to identify the key issues they would like to see discussed at the seminar. The following were suggested:
- A general introduction to economics and current policy on PSI
 - The economics of openness verses the trading fund business model and different models for funding public sector information providers
 - The role of information in the economy: actual events/impact; understanding the numbers; how do we value information?
 - Should emerging technologies provide public services cheaper or better?
 - The effect on the government of its requirement to continue to print hardcopies of publications
 - The evolution of the digital publishing industry
 - Non-economic drivers to PSI policy
 - A European perspective on PSI Directive
 - A US perspective: government gathering and distribution

APCC’s future work programme:

28. In general the Panel agreed to leave discussion of the 2005-6 work programme until the Autumn. However, it was noted that the simultaneous arrival of FoI and reuse legislation will

raise issues that the Panel will need to address at that time.

29. It was suggested that in 2005 a seminar could be held for policy makers that would be open to a wider constituency. This led Professor Susskind to consider the possibility of establishing annual APCC seminars – beginning with the economics seminar discussed earlier.
30. With regards to the 2004 work-programme, volunteers were called upon to lead the two remaining projects: responding to users needs and creating a database of examples of best practice.
31. The dovetailing of FoI and reuse regimes was added to the six work programmes identified in 2003 as a seventh work-stream for 2003-4.

Annual report:

32. The APCC's single requirement is to produce an annual report. This would be an important opportunity to catch the attention of Ministers and key figures involved in the production and reuse of PSI. The report should summarise the output to date but not present detailed substantive work - this would come through the publication of specific papers. The report should highlight the timeliness of the Panel's creation and what it will have delivered.
33. Members were invited to notify Thomas Papworth how many printed copies they would like to distribute so that a print run could be prepared. Distribution would be an opportunity to generate support among the private and public sectors and the press.

The title "Advisory Panel on Crown Copyright":

34. It was felt that "Advisory Panel on Crown Copyright" did not adequately reflect the work of the Panel. "Crown copyright" was widely perceived as an arcane term that means little to the wider public but carries an aura of an old and outdated concept. In fact the Panel is dealing with issues at the cutting edge of information technology and the knowledge economy that go to the heart of government and may potentially unlock billions of pounds of revenue.
35. The term "Advisory Panel" derived from the Cross Cutting Review of the Knowledge Economy. The reference to "Crown copyright" may have been intended to circumscribe the work of the Panel and to limit it to central government. However, the goal posts had since moved in light of the EU Directive on public sector information. Additionally, the Panel's terms of reference go wider than Crown copyright: "To advise Ministers on how to encourage and create opportunities in the information industry for greater reuse of Government information". It was felt that a name change might better encapsulate the broad ranging work of the Panel.
36. A word of caution was sounded regarding branding. If the APCC changed its name it could dilute its impact by disrupting its continuity. Therefore if the Panel was to change its name it would be best done prior to the annual report. It was suggested that a draft of the report could be sent to the Minister for approval with a recommendation that the Panel's name be changed and that the report be issued under this new name.
37. As the Panel was set up administratively and not through statute it could change its name very easily. It would be only be necessary to get Ministerial approval.

Future meetings:

38. It was agreed that Thomas Papworth would arrange for further meetings in early September and mid-December 2004.

Action Points:

43. The following actions were agreed in the meeting:

- Members to send any comments on Professor Susskind's paper on the Overlap of freedom of information with reuse of public sector information legislation to Thomas Papworth by Wednesday 11 February.
- Professor Susskind to discuss dissemination of FoI/reuse paper with Carol Tullo
- Members to forward key documents relating to PSI – and particularly the measurement and value of PSI – to Thomas Papworth for publication on APCC website
- John Ponting and Duncan Shiell to consider what statistics government trading funds could provide to yield a time-series demonstrating how the market is developing
- Thomas Papworth to find out if HMSO data can be broken up chronologically
- Thomas Papworth to ask David Warlock of the Digital Content Forum (DCF) whether he would consider inviting DCF members to provide feedback of examples of positive or negative experiences of reuse of PSI, including case-studies of good practice and any data that might help generate a picture of how the market has developed
- Stefan Carlyle to discuss questions on the measurement of PSI with the Inter-governmental forum on Geographic Information so that they could be taken to a wider audience
- John Ponting and Duncan Shiell to write papers to present at the seminar on the economics of public sector information
- Thomas Papworth to arrange further meetings in early September and mid-December 2004

Minutes compiled by

Thomas Papworth
Secretary to the Advisory Panel
28 January 2004