



## ADVISORY PANEL ON PUBLIC SECTOR INFORMATION

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**Date:** Thursday 18 May 2006

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

**Venue:** G.44/G.45 Admiralty Arch, London

**Chair:** Professor Richard Susskind OBE

**Deputy Chair:** Peter Wienand, Expert Member

**Secretary:** Andrew Eeles

**Attendees:**

**Members:** Mike Batty, Expert Member

Stefan Carlyle, Representative, Government information traders

Michael Clark, Expert Member

Roger Dixon, Representative Member, Northern Ireland

Keith Dugmore, Expert Member

Christine Gifford, Representative, information management

Avinash Persaud, Expert Member

Christopher Roper, Expert Member

Chris Sellers, Representative Member, end-users and information management

John Thornton, Representative Member, local government

**Non-members:** Carol Tullo, Director, Office of Public Sector Information

Marcia Jackson, Head of Standards, Office of Public Sector Information

## **1. Welcome & introductions**

- 1.1 Professor Richard Susskind began by welcoming everyone to the meeting. Apologies were read from Michael Allen, Trevor Fenwick, Dick Greener, John Ponting, Hector MacQueen, Duncan Shiell and David Worlock.

## **2. Update on action points of previous meeting**

- 2.1 The minutes of the previous meeting were agreed.
- 2.2 Professor Susskind ran through the action points from the February meeting. The Chair had contacted Steven Saxby about producing an updated paper on Crown copyright. Mr Saxby is currently focusing on Geographical Information and e-Government issues. It was agreed that he should be invited to the next APPSI Oxford seminar.
- 2.3 The OFT had responded to the Chair's note on issues relating to Government advertising as follows, "*The issue of government recruitment advertising is something we have considered. We are in the process of putting something in writing about it and we will send this to you shortly.*"
- 2.4 The paper on the EthOS Project was discussed. Some members queried the copyright ownership of student theses -did the copyright belong to the student or to the academic institute? It was agreed that the author of the EthOS paper should be asked to find out more about this. Members agreed that APPSI should keep a watching brief on this project even though it fell outside of the scope of the Re-use of public sector information Regulations.

Action Point: The Secretariat to ask Hector MacQueen to look into the copyright status of student theses.

## **3. Appraisals and ongoing membership**

- 3.1 The Chair stated that twelve members (including the Chair and the Deputy Chair) had been with the Panel for three years. He confirmed that these members would all find that they had been appraised satisfactorily and that it was his wish to re-appoint members for a further term. The appraisal process had provided the Chair with an opportunity to consider the composition of the Panel and its ability to meet its future commitments.
- 3.2 The Chair informed the Panel that Roger Dixon and Dick Greener had both let him know that they wanted to step down from the Panel. The Chair thanked Roger Dixon, who was attending his last meeting, for his valuable contribution and for representing Northern Ireland interests so effectively. The Chair also thanked Dick Greener, who was unable to attend the meeting, for his contribution to APPSI, highlighting his assistance in organising the structure of the first APPSI report.
- 3.3 The Chair will send an e-mail to the other members who have served for three years asking them to confirm whether they wish to serve on the Panel for a further one or two years. It was stressed that it was important to have different periods of appointment to ensure continuity of the work the panel.

Action Point: The Chair to contact members about their period of re-appointment.

- 3.4 OPSI confirmed that all APPSI appointments are Ministerial appointments and had to be formally approved by the Minister. OPSI will be recommending to the Minister that the Chair and Deputy Chair both be re-appointed for three years.
- 3.5 It was agreed that former members should be kept up to date on the Panel's work. This would be done by sending them copies of the agenda and a link to the last minutes. Former members would not be sent copies of the papers that are circulated to serving members.

#### **4. Appeals/Complaints Handling**

- 4.1 Members discussed the procedures for reviewing complaints arising under the *Re-use of Public Sector Information Regulations 2005*. The Chair wanted to ensure that the procedures in place to review a complaint made to APPSI would operate effectively. No complaints have been referred to APPSI so far but in anticipation we should plan ahead.
- 4.2 OPSI indicated that it was currently investigating one active complaint and that there was a possibility that OPSI's recommendation would be referred to APPSI. OPSI advised that the investigation of the complaint had raised a number of practical issues and that these had caused them to review their operational procedures. There was also discussion on the need to maintain confidentiality and impartiality when investigating and reviewing complaints, to the extent consistent with OPSI's and APPSI's published procedures.
- 4.3 Members discussed the need to select a balanced panel, which had no conflict of interest with the subject of the complaint, to sit on each Review Board. There was agreement that in some instances APPSI may wish to draw on former members, who had indicated that they were prepared to assist with reviewing complaints, and also perhaps use other external experts. The crucial point was for the individuals selected to use their judgement and experience to meet the objectives of the Review Board.
- 4.4 A member said the perceptions of those viewing the process from outside were likely to be clouded but that APPSI and OPSI could operate independently. It was agreed that an APPSI member should confirm that a request for a review of a complaint meets the basic criteria rather than the Secretariat.
- 4.5 There was agreement that a statement should be drafted for publication on the APPSI website that amplifies the complaints procedure. This statement should avoid any legalistic language and make clear that it is not a judicial process. The purpose of the review is not to pass a legal judgment. It would also clarify the role of the Secretariat in the process.

Action Point: The Chair and Secretariat to draft wording for the statement on the complaints procedure to be published on the website. The wording of the statement to be finalised by 20 June or as soon as is appropriate.

- 4.6 It was agreed that OPSI would produce for APPSI a quarterly report of the complaints that it was investigating. The report would highlight which parts of the PSI Regulations the complaint related to. It was important for APPSI, as much in its advisory capacity as in its complaint-reviewing capacity, to be aware in broad terms of the nature of complaints as this might point to trends that should be the subject of advice to the Minister.

## **5. Update from OPSI**

- 5.1 Carol Tullo outlined the headline issues for OPSI since the last meeting. The extended PSI version of the Click-Use Licence was successfully launched on 1 April. The Click-Use Licence has been extended to cover the wider public sector including local government and the National Health Service. As of 30 April there were 9,508 licences holders. During April there were 270 new licences for government information and 88 new Click-Use Licences for Parliamentary material.
- 5.2 OPSI had met representatives from the Government of the Irish Republic on 5 April who wanted to find out about the types of guidance and practical measures that had been developed by the UK to assist the public sector meet their responsibilities under the PSI Regulations. The member representing Northern Ireland confirmed that Northern Ireland was keen to ensure harmonisation on PSI issues with the Republic of Ireland
- 5.3 OPSI representatives had attended workshops [6/4] and [7/4] and meetings [24/4] organised by the OFT as part of their Commercial Use of Public Sector Information (CUPI) market study. The workshops had included delegates from both the private and public sector. During the discussions that followed the update from OPSI, a member from an organisation that had taken part in the OFT CUPI Study stated that OFT expected to deliver their findings by the end of September. Another member who had attended one of the focus groups said that it had provided a good opportunity to contribute to the study
- 5.4 The OPSI website has a ranking of 8 which compares well with the BBC benchmark of 9. An accessibility survey undertaken on 29 April gave the OPSI website a 10 out of 10 rating.
- 5.5 The AKTive PSI project is progressing well. Daniel Weitzner, the Director of the World Wide Web Consortium's Technology and Society activities attended the first group meeting of participants in April. He is also the W3C's chief liaison with public policy communities around the world. OPSI are going to follow up this connection at the W3 conference in Edinburgh and plan to work closely with counterparts in Washington.
- 5.6 As part of the Government reshuffle announced at the beginning of the May changes were made to the Ministerial team at the Cabinet Office. There is now a new Chancellor of the Duchy of Lancaster and Ministerial team.
- 5.7 After the update a member queried why there had been a surge in website activity. It was suggested that this was probably due to OPSI's local government seminars which had raised the profile of the OPPSI and APPSI websites.

## **6. Case Studies on the re-use of PSI**

- 6.1 The Chair thanked the members who had produced case studies. During the discussion that followed it was agreed that they showed the variety of ways that PSI can be re-used.
- 6.2 The Chair said that he wanted to select 8 case studies that were good illustrations of the way that PSI could be re-used for inclusion in the Annual Report. Members were asked to produce a 75 word summary of the key benefits of their case. When producing these members should remember that the case studies need to grab the interest of ministers as suggested by David Lock at the Oxford Seminar. The 75 word case studies need to be completed with a month.

Action Point: Members to complete their 75 word summaries by 18 June.

6.3 It was agreed that the detailed case study should follow the agreed template and contain an appropriate narrative and description and should not be more than 2 sides of A4. Members were also asked to identify suitable illustrations to include in the case studies.

## **7. “Transformational Government” – implementation plan**

7.1 The Panel welcomed the general conclusions but still took the view that there is not enough concentration on the importance of information management. The Panel will continue to stress the importance of information management when contacting those who have responsibility for the delivery of the implementation plan.

## **8. Reports on Australia and Estonia**

8.1 Both reports received a favourable response from members and the Chair thanked OPSI for the research work. One member advised that the Australia report needed to be updated as privatisations had changed the picture for some categories of information.

Action Point: The Secretariat to revise the report on Australia to bring it up to date.

## **9. New CIO for Government**

9.1 The Chair brought the recent appointment of John Suffolk as the Government Chief Information Officer (CIO) to the attention of the Panel. He said that he was aware of the good work that Mr Suffolk had done in his previous role as Director General of Criminal Justice IT (CJIT). The Chair stressed that it was important for Mr Suffolk to be made aware of the role of APPSI and the Chair is proposing to send him a copy of the APPSI response to the Transformational Government consultation. This will be followed up by a meeting to discuss the points raised in the APPSI response and by The National Archives in relation to digital preservation.

Action Point: The Chair to make contact with the new CIO for Government.

## **10. Foundation for Science and Technology**

10.1 The Chair has suggested to the Director of the Foundation for Science and Technology that it consider hosting an evening discussion on public sector information. The Foundation provides a neutral platform for debating policy issues. The Director of the Foundation has asked the Chair to expand on his ideas.

Action Point: The Chair to follow up his contacts with the Foundation for Science and Technology.

## **11. Guardian campaign/meeting with Michael Cross**

11.1 Members discussed the Guardian’s “Free Our Data” campaign which has been running in the Technology Guardian since 9 March. There was agreement that the articles were playing an important role in raising the awareness of the importance of public sector information. This did not mean that Members agreed with all aspects of the campaign. It was pointed out that there were many practical, technological and economic factors which

need to be researched in greater detail. Copyright was not seen as an obstacle to the re-use of PSI. A member stated that Michael Cross had been writing interesting pieces on PSI for *The Guardian* for a number of years so it was not something that they had only recently decided to focus on.

- 11.2 The Chair said that he and the Deputy Chair were meeting Michael Cross after the meeting. Members agreed that the meeting provided a useful opportunity to discuss the role APPSI and the work that it has been undertaking since 2003. The Chair will let members know the outcome of the meeting.

## **12. FOI and APPSI**

- 12.1 The Chair started the discussion by stating that APPSI wanted to be open and transparent in its discussions and to publish its documents on the website. There were, however, circumstances where it was not appropriate to publish documents that were “thought pieces” or related to sensitive policy issues. For some documents FOI exemptions would apply but APPSI would prefer not to have to invoke them. It was decided that all completed documents would as a matter of principle be placed on the website. In addition the minimum presumption would be that we would fully minute meetings and publish minutes.

Action Point: The Chair and the Secretariat to arrange for an appropriate FOI statement to appear on the website.

## **13 Discussion Forum for the APPSI Website – update**

- 13.1 Members have been sent passwords to access the Discussion Forum but have not made use of this facility so far. It was agreed that the Secretariat would look to setting up discussion topics for the Case Studies and Annual Report.

Action Point: The Secretariat to set up topic areas on the Discussion Forum for Case Studies and the Annual Report.

## **14 Progress on recommendations made in the Annual Reports**

- 14.1 The Chair reviewed progress on the key message and recommendations made in the Annual Report.

*1. We recommend, first, that the Ministers overseeing the implementation of FOI should be briefed on the new regime for the re-use of PSI and on the value of PSI re-use and, second, that an update on the re-use of PSI should be provided regularly to these Ministers through an appropriate forum. In large part, the value of PSI will come to be fully recognised and exploited if there is direct leadership from the top. Our recommendation would be a first step towards such leadership.*

The Chair said that the Panel continued to be optimistic that it would be given the opportunity to meet Ministers to update them on the new regime for the re-use of PSI.

*2. We recommend that OPSI's programme for raising awareness of the re-use of PSI be more strongly supported across the public sector, both by Ministers and officials.*

The OPSI awareness programme will be highlighted when the Chair meets Ministers.

*3. Ministers should expressly address, or cause to be addressed, by establishing a working party for the purpose, the ongoing tension in government policy as to the way in which the value of PSI re-use ought to be realised. This tension should be explained in the briefing described in Recommendation 1.*

The Chair said that the Panel continued to be optimistic that it would be given the opportunity to meet Ministers to explain these issues.

*4. We recommend that practical guidance be produced for public bodies to help them handle electronic record keeping and document management, FOI, PSI re-use (and more) as a single activity rather than a collection of discrete tasks.*

This issue fed into the eGovernment Metadata Standard programme being led by the eGovernment Unit in the Cabinet Office, with which OPSI was working. The APPSI response to the Transformational Government stressed the importance of Information Management but this has not been given the prominence that APPSI would have liked in the implementation plan. APPSI are maintaining contact with the National Archives on record keeping and document management issues.

*5. We recommend that the Government undertakes or commissions a sustained and detailed study into the economics of government information, including but not limited to the activities of those trading funds whose main business is the collection, maintenance and dissemination of PSI. In turn, we believe this work will require more rigorous measurement of PSI re-use than has been undertaken in the past. APPSI will produce a specification for this study.*

This issue is being partially addressed by the OFT study.

*6. APPSI supports recent calls for a Government Minister to be given explicit responsibility for the proactive management of knowledge within the public sector. We encourage Ministers to identify one amongst their number to take explicit responsibility for this area.*

The Chair said that the Panel continued to be optimistic that it would be given the opportunity to meet Ministers and explain the importance of having a Minister who had explicit responsibility for the proactive management of knowledge in the public sector.

*7. We recommend that Ministers and senior officials across government are briefed regularly on the beneficial impact of PSI re-use and on the ongoing work of OPSI.*

The Chair said that the Panel continued to be optimistic that it would be given the opportunity to meet Ministers to update them on the new regime for the re-use of PSI.

*8. We recommend that OPSI considers producing an awareness-raising multi-media presentation on the re-use of PSI, which could be distributed widely on DVD and made available across the Internet.*

OPSI and local government TV have collaborated on producing a programme on the re-use of PSI. This takes the form of a Panel interview and presentations. The Chair took part in the recording of the programme. It is possible that the programme could also be made available online. A rough cut of the programme was shown outside of the meeting.

## **15 Third Annual Report**

15.1 The Chair circulated copies of a draft contents template for the third Annual Report and members discussed issues relating to the Annual Report. The following points were made:

- The Report will be published at the end of September so that it can include information on important issues such as the INSPIRE Directive, the OFT CUIP Market Study and the Gowers Review of IP.
- The Report will include the 75 word summaries of the Case Studies.
- The Report should contain include appropriate graphics that relate to the case studies.
- APPSI should consider producing a taxonomy and clear graphics similar to those included in the OECD paper on *Digital Broadband Content: Public Sector Information and Content*.
- The headings for the different sections of the report should be drafted so that they capture the attention of Ministers, following up on the recommendations made at the Oxford Seminar.

## **16. Third Annual Seminar**

16.1 The Chair noted that the Annual Oxford Seminar had been a great success and that he was planning to hold another seminar next year. The draft minutes of the seminar had been circulated to all those who had attended for approval and were going to be published on APPSI website on 19 May.

## **17. Statistics Commission**

17.1 The Panel discussed the HM Treasury *Independence for Statistics: A consultation document* which was published in March. The deadline for sending views on the consultation is 14 June. The Panel also discussed the *Statistics Commission Briefing* on the consultation document circulated in April. In addition, the Panel received feedback from an Expert Member who had attended a half day seminar [17 May] for those with an interest in official statistics organised by the Statistics Commission and the Financial Times on the *Future Governance of Official Statistics*. Issues considered at the seminar included the scope of national statistics, access and data sharing.

17.2 The Chair said that he did not feel that there was a requirement for APPSI to respond to this consultation but should monitor the situation as there was overlap with APPSI interests.

## **18. Interesting Reading**

18.1 The Panel agreed that OECD report *Digital Broadband Content: Public Sector Information and Content* was an interesting document. The taxonomy and the figures included in the report were singled out for commendation. It was agreed that something similar should be considered for the third Annual Report.

18.2 In connection with the OECD the Chair informed members that he and the Deputy Chair had been both been invited to an OECD workshop in Paris on 31 May but both were unable to attend due to other commitments. A member who is going to be in Paris from 1 June indicated that he was willing to change his arrangements so that he could represent APPSI at the workshop.

Action Point: The Chair/Secretariat to chase details of the OECD workshop.

- 18.3 It was agreed that the Patent Office papers on the *Mediation Service for Intellectual Property Disputes* and the *Guidance for business for Directive on the enforcement of intellectual property rights (2004/48/EC)* were useful documents but did not require any action from the Panel.
- 18.4 The Panel discussed the *Gowers Review of Intellectual Property: Call for Evidence* paper and agreed that most of the issues identified in the paper fell outside of the scope of APPSI's remit. The issue of work produced by consultants operating on behalf of a public sector bodies was raised and whether the copyright in the work produced should be assigned to the commissioning party rather than it remaining with the consultants. The Chair suggested that he send a one page letter on this point to the review team but it was pointed out that the deadline for sending responses to the issues and questions in raised papers had already passed.
- 18.5 The Panel took the view that the paper on *i2010: Digital Libraries* covered areas that were of interest to APPSI, especially where it highlighted the preservation of digital content. This is relevant to records produced by Public Sector Bodies, but the main focus is on cultural organisations that fell outside the scope of the PSI Regulations. It was agreed that APPSI would keep a watching brief on progress in this area.

## **19. Meetings**

- 19.1 The Secretariat had contacted the Scottish Executive about arranging a meeting with Minister for Finance and Public Service Reform/Deputy Minister for Finance and Public Sector Reform on 23 May to coincide with the World Wide Conference in Edinburgh. Due to changes in ministerial commitments and to changes to the Chair's plans it was not possible to meet on that date. It was agreed that a meeting should be arranged for later in the year to coincide with the publication of the Third Annual Report.
- 19.2 OPSI confirmed that the major reshuffle of Ministers at the start of the month had resulted in new Ministerial team for the Cabinet Office. As a result of the changes the Cabinet Office now has a full Ministerial Team. At the present time the new Chancellor of the Duchy of Lancaster has responsibility for APPSI. It was agreed that APPSI would not approach the Minister's office until the Minister had had the opportunity to get an understanding of the new responsibilities.

## **20. Any other business**

- 20.1 The Panel discussed Christine Gifford's note on PSI issues relating to ID cards. There was agreement that the paper raised some interesting issues. It was pointed out that the National Identity Register established under the Identity Cards Act 2006 will be a significant database of information that will include the address details of individuals. The Act states that the information in the Register may only be used for statutory purposes but it does allow for the sharing of information across government and organisations working on behalf of government. Members raised concerns that information released thorough sharing could get re-used by other parties. OPSI had advised that the legislation needed to be tight and that the position of contributor's rights needed to be respected when it came to personal information. It was agreed that OPSI and APPSI would monitor what happens in relation to the legislation.

20.2 A member brought the Panel's attention to the minutes of the Geographical Information Panel held on 13 December 2005 which covered issues relating to the National Spatial Address Infrastructure (NSAI). OPSI stated that they were aware of these issues. OPSI also confirmed that the parties involved with NSAI had decided not to take up the offer from APPSI, made at the last APPSI meeting to review the case.

20.3 Another member raised the issue of local area statistics and how they were dealt with in Finland compared with the UK. The member agreed to send a link to the Finnish website.

## **21. Dates of next meetings**

21.1 The Secretariat proposed that meetings were scheduled for Thursday 28 September 2006 and Thursday 7 December 2006. The September date was not convenient for some members. It was agreed that the Secretariat should e-mail members with some suggested dates for the next meetings.

Action Point: The Secretariat to contact members with some suggested dates for the remaining meetings to be held in 2006.

## **22. Action Points:**

The following actions were agreed in the meeting:

- The Secretariat to ask Hector MacQueen to look into the copyright status of student theses.
- The Chair to contact members about their period of re-appointment.
- The Chair and Secretariat to draft wording of the statement on the complaints procedure to be published on the website. The wording of the statement to be finalised by 20 June or as soon as is appropriate.
- The Secretariat to revise the report on Australia to bring it up to date.
- The Chair to make contact with the new CIO for Government.
- The Chair to follow up his contacts with the Foundation for Science and Technology.
- The Chair and the Secretariat to arrange for an appropriate FOI statement to appear on the website.
- The Secretariat to set up topic areas on the Discussion Forum relating to the Case Studies and to the Annual Report.
- The Chair/Secretariat to chase details of the OECD workshop.
- The Secretariat to contact members with some suggested dates for the remaining meetings to be held in 2006.

Minutes compiled by Andrew Eeles  
Secretariat, Advisory Panel on Public Sector Information