



ADVISORY PANEL ON PUBLIC SECTOR INFORMATION

Date: Monday 17 December 2007

Time: 10.00 a.m.-3.30 p.m.

Venue: 1.44 Admiralty Arch, London

Chair: Professor Richard Susskind OBE

Deputy Chair: Peter Wienand, Expert Member

Secretary: Andrew Eeles

Attendees:

Members:

Neil Ackroyd, Representative Member, Trading Funds

Mike Batty, Expert Member

Stefan Carlyle, Representative Member, Information Providers

Chris Corbin, Expert Member

Keith Dugmore, Expert Member

Trevor Fenwick, Expert Member

John Gray, Expert Member

Hector MacQueen, Representative Member, Scotland

Hilary Newiss, Expert Member

Michael Nicholson, Expert Member

Shane O'Neill, Expert Member

Chris Sellers, Representative Member, End Users

John Thornton, Representative Member, Local Government

Phillip Webb, Expert Member

David Worlock, Representative Member, Digital Information Publishers

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

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

1. Welcome & apologies

- 1.1 The Chair began by welcoming everyone to the meeting. He said that it was good to see seven new faces around the table.
- 1.2 Apologies were received from Michael Allen, Christine Gifford, Avinash Persaud, John Ponting and Chris Roper. The Secretariat advised that Eric Davies, the other newly appointed member, was unable to attend the meeting.

2. Minutes of the last meeting

- 2.1 The minutes of the previous meeting were agreed at the meeting. This was a departure from the usual practice where a draft of the minutes is circulated and members have five working days to comment on the minutes. Normal practice will return for future minutes.
- 2.2 The Chair went through the action points from the last meeting [8/10]:
 - The Secretariat circulated details of the Debating Group to members.
 - The APPSI papers were published on the website after receiving Ministerial approval to do so.
 - The Secretariat and OPSI are taking forward recommendations made in the OPSI paper.
 - The Chair invited Professor Bently to the APPSI Seminar but he was unable to attend.
 - The Chair finalised the date and theme of the Annual Seminar.
 - The Secretariat sent an email to APPSI Members about meeting the QUT delegation.
 - Suggested dates for future meetings will be covered by item 19.

3. Introductions – New Members

- 3.1 For the benefit of the new members who were attending an APPSI meeting for the first time the Chair asked all those who were attending to introduce themselves. Existing members were asked to set out briefly their area of expertise and whether they were a representative member for a particular group or sector. For the new members, the Chair said that he would like them to set out their background and what they hoped to contribute to APPSI. The Chair began the introductions by stating that he had been the Chair of the Panel since its inception, which was approaching five years.
- 3.2 Phillip Webb said that he had over 40 years' experience of working in the public sector (he retired in March 2007). The majority of his time was spent working for the Ministry of Defence where he specialised in research and Information Communications Technology (ICT). His last 6 years before retirement were spent as the Chief Executive of the Police Information Technology Organisation (PITO), a Non-Departmental Body of the Home Office. He said that he will bring his extensive experience of ICT and knowledge management to Panel discussions.
- 3.3 Shane O'Neill said that he was now the Commercial Director of the BMJ (British Medical Journal) Group and was the founder of Shane O'Neill Associates, a PSI strategic consultancy business, which has done much work assisting Public Sector Bodies implement their PSI policies and procedures. He has held a range of different private sector publishing posts sector in the UK and abroad, including being a Managing Director at The Stationery

Office (TSO) Ltd. He said that he will bring this experience of working with PSBs and of re-using PSI to APPSI discussions.

- 3.4 Hilary Newiss said that she had been a partner and Head of Intellectual Property at the city solicitors, Denton Hall. In the seven years since taking early retirement she has taken on a portfolio of roles which have concentrated on public service and policy issues in the fields of intellectual property, health/science and technology including serving on the Human Genetics Commission and Intellectual Property Advisory Committee. She is currently serving as a trustee of the Roslin Institute and as a member of the National Information Governance Board. She said that she will bring her knowledge of intellectual property and interest in issues relating to personal information to Panel discussions.
- 3.5 Michael Nicholson said that he had a long-standing interest in public sector information. In the 1980s he set up Property Intelligence which developed FOCUS, an online information service for the commercial property industry. FOCUS included PSI in the form of the rating list. When the FOCUS business was sold Mr Nicholson became Managing Director of Intelligent Addressing which re-uses PSI. This background has given him an understanding of the different policy issues involved in licensing PSI. He also stated that he has been re-elected as the Chair of the Locus Association, an action group representing companies with an interest in the re-use of PSI. Locus members represent over £200 million worth of PSI re-use.
- 3.6 Chris Corbin said that he was retired, having had a varied career working in the private and public sectors with an emphasis on Information, Communication and Technology. He said that he took a holistic view in relation to information. Mr Corbin explained that he was now working as an analyst for the European Commission eContent*plus* programme funded ePSI*plus* Thematic Network which is supporting the implementation of the European Directive on Public Sector Information re-use in the period leading up to its review in 2008. This work has led to many useful links being made with North America, Africa, Asia and Australia. The ePSI*plus* website publishes information which monitors and compares PSI activity across the member states of the EU. Mr Corbin took the view that APPSI was “off track”. He asked whether it was a Policy Advisory group or multi stakeholder group? He said that the profile of APPSI was too low: it needed to be more open and questioned its involvement in reviewing complaints. He said that APPSI needed to have a big role in relation to full implementation of the Directive and was pleased to be in the APPSI tent.
- 3.7 Neil Ackroyd said that he was an Executive Director at Ordnance Survey with responsibility for Data Collection and Management. The work relates to capturing and maintaining the data content of the National Geospatial Database. He has been working for OS for 5 years and prior to that worked in the private sector specialising in Global Positioning Systems (GPS). He said that was able to bring a great deal of knowledge and experience of geospatial information from a public and private sector background to APPSI.
- 3.8 John Gray said that he had worked for 17 years in the public sector and now for 20 years in the private sector. He divides his interests between a mix of executive and non-executive Board appointments with business concerns and trade associations that have an active interface with the re-use of PSI. He also provides advisory and consultancy services to the property information industry. He said that joining APPSI would give him the opportunity to share this experience.
- 3.9 The Chair concluded the introductions by saying that the addition of new members would bring fresh blood to the panel and would mean that most bases in the PSI arena were covered. It was agreed that the Secretariat should send an e-mail to new members with links to the key documents that they needed to get to know.

Action Point: The Secretariat to send an e-mail to new members with details of key reading including links to the key documents.

4. Future Membership

- 4.1 The Chair let members know that Chris Sellers was going to stand down from the Panel due to personal commitments and that this was going to be his last meeting. He thanked Mr Sellers for his contribution to the work of the Panel and this was endorsed by those present.
- 4.2 The Chair said he was planning to stand down in April and that plans were being made to recruit a new Chair who would hopefully attend the last meeting of the present Chair. He said that he it was likely that the new Chair would have fresh ideas about the future direction and make up of the Panel.

5. Update from Chair

- 5.1 The Chair gave a brief outline of the history of the Panel for the benefit of the new members. He said that the Panel had been set up by the Cabinet Office in 2003 with a focus on Crown copyright. The remit now extended to all Public Sector Information. It now had three broad functions:
 - to advise OPSI
 - to advise Ministers
 - to review complaints made under the PSI Regulations 2005
- 5.2 He said that the Panel was required to produce an annual report for Ministers on its activities. He said that there were two types of Member, Representative and Expert, who covered a broad spectrum of interests. The Panel organised an annual seminar which gave Panel members and others the opportunity to discuss particular topics in greater depth than normal APPSI meetings allowed.
- 5.3 The Chair said APPSI had undertaken one review of a complaint made under the PSI Regulations 2005 and had found the process time consuming. To avoid any conflict of interest and to supplement its expertise, the Review Board had had to seek a third member from outside the membership of the Panel. The Chair questioned whether this complaint handling role prejudiced APPSI's ability to comment on some important PSI issues, as they arise.
- 5.4 The Chair said that Michael Wills was the Minister at the Ministry of Justice to whom APPSI reported. He said that Mr Wills was extremely enthusiastic about PSI and that the Minister was impressed by the work that OPSI and TNA were doing in relation to PSI. The work of APPSI had also received favourable comment.
- 5.5 The Chair said that APPSI had now reached a point where it needed to look again at its place in the PSI landscape, at the strategy it should adopt in relation to the big issues, and where it could uniquely contribute. APPSI needed to decide on its future priorities for 2008. He suggested, for the next meeting, that members should come up with 3 their most pressing issues.

Action Point: Members to come up with their 3 most pressing issues for APPSI during 2008 for discussion at the next meeting.

- 5.6 A member said that the Panel should be more open and transparent in the way it operated. He felt that APPSI was too closed and should be more open. There was a suggestion that APPSI consider holding a public meeting once a year. There was discussion about how the Guardian Free Our Data Campaign has given PSI a much higher profile and the need for openness. It was pointed out that the Minister in his keynote speech on 1 November had shown how well in tune he was with PSI issues. A member suggested that the Minister should be invited to attend an APPSI meeting. There was agreement to this suggestion.

Action Point: APPSI to invite the Minister to attend one of its meetings.

- 5.6 A member said that APPSI's review process should be examined and indicated that that key point was to have an effective review process that was contributing to greater and more effective re-use of PSI. It was pointed out that LOCUS was working towards many of the same aims as APPSI but that APPSI had to tread carefully when considering certain issues which meant that it could not always be as effective as it would like to be. The Chair said that APPSI did have to strike a balance when commenting on PSI policy and reviewing complaints.
- 5.7 There was discussion about how there were other Advisory Groups which had different roles in relation to public sector information and how these groups were following different agendas without any clear overarching strategy. To some there did seem to be a lack of focus and co-ordination. It was stated that the Information Commission had an important part to play in relation to "governance" issues.
- 5.8 A member suggested that the Government should provide additional resources to APPSI so that it could undertake a detailed review of how PSI was being re-used across a wide spectrum not just focusing on geospatial data which had the highest profile.

6. Update from OPSI/TNA

- 6.1 OPSI explained that there continued to be significant activity across the PSI spectrum.
- 6.2 A key activity had been in relation to the OFT CUPI Market Study. OPSI had been working with HM Treasury and BERR in taking forward the recommendations and producing ongoing progress reports on activity.
- 6.3 This was done in parallel with work relating to the Power of Information Report. The focus of the Power of Information report was on benefits to the citizen with information being made available in new and innovative ways. The lead department for this is the Cabinet Office and again OPSI has had considerable input.
- 6.4 OPSI has undertaken a number of initiatives that have been positively received by the Press. This included setting up a new online discussion forum to engage with those interested in re-using government information on a commercial basis. A barcamp has been arranged for January 2008 as has a meeting with JISC and Intellect. OPSI has also been active in promoting its Regulatory role.
- 6.5 PSI issues have been the subject of recent Parliamentary debate. In November Mark Todd MP called an adjournment debate on the subject of PSI. Gareth Thomas the BERR Minister gave the government response. The debate was published in Hansard. In December Francis Maude the Shadow Minister asked a PQ about the Labour Party's re-use of photographs of the Prime Minister.

- 6.6 David Cameron during his October visit to the Microsoft Office in California referred to the importance of PSI.
- 6.7 The Prime Minister gave a high profile speech on Liberty at the University of Westminster on 25 October. In this speech the Prime Minister made a number of announcements relating to PSI. He announced that the Information Commissioner was going to look at the issue of information sharing. He also announced that a review of the 30 year rule in relation to the release of information which would have a Secretariat based at TNA. The PM also said that this was the “Century of Information”.
- 6.8 OPSI had also attended meetings in relation to the BERR and HM Treasury commissioned independent review of the charging models used by the Trading Funds. The analysis undertaken by the team from Cambridge University has not been finalised. Publication is expected in early 2008.
- 6.9 OPSI has been providing support to BERR, the lead department, for the work that is being undertaken in relation to the Organisation for Economic Co-Operation & Development (OECD) work on the future of the internet economy which also involves looking at PSI re-use. The BERR Minister will be attending a Ministerial Conference in Seoul in May 2008.
- 6.10 OPSI has also been working closely with the Knowledge Council and Government Knowledge and Information Management Networks which are developing an information management strategy for government. This has involved meetings with Permanent Secretaries at the main Government departments. In early 2008 work is going to take place on developing information handling standards.
- 6.11 Following the update a number of issues were raised and discussed. A member asked the question, “How do we benchmark change?” when looking at the activities undertaken by Public Sector Bodies in relation to encouraging the re-use of PSI and seeing whether these activities had benefited the information industry and the growth of the economy. It was suggested that case studies of the work undertaken by local authorities in specific areas would be especially useful. It was noted that much of the research work on PSBs had focused on Trading Funds. There were also discussions about the tensions relating to the commercial exploitation of certain types of PSI and the other benefits to society from the re-use of PSI which were included in the Power of Information Review. It was brought to Members attention that a PSI Alliance representing private sector companies that used PSI was going to be launched in Prague on 23 January 2008.

7. APPSI response to EC review of PSI Directive

- 7.1 Chris Corbin gave an overview of the role of ePSIplus and the work it is undertaking in relation to the review of the PSI Directive and the timetable for the review process. He highlighted the work being done to develop good practice in relation to the Directive. He indicated that much of the work between 2003 and 2005 had been reactive and there was now a need to be more bullish if there was to be a tidying up of the drafting of the Directive.
- 7.2 The Chair asked the question “How do we respond?” to the review of the Directive. There was much discussion about the best way for APPSI to respond. The discussion looked at practical and legal issues. It was suggested that there were two categories that needed to be considered: (a) policy, does the Directive actually deliver the intended policy approach; and (b) whether the language in the Directive is sufficiently precise to achieve the aims that the Commission had envisaged in relation to PSI re-use. There was also discussion on how this

has impacted on the drafting of the regulations in the different member states. The UK had not “gold plated” the Directive when making the UK Regulations.

- 7.3 Consultation on reviewing the Directive has already started and APPSI would need to get its response by April at the latest. It was agreed that the Deputy Chair would lead a sub-group of APPSI members in March to look at the best ways to respond to the Review. Michael Nicholson and Phillip Webb volunteered to join the Group. It was agreed that John Ponting should be asked to join this group.

Action Point: Membership of sub-group to be finalised and to start looking at how APPSI should most effectively respond to the review of the PSI Directive.

8. **HM Treasury Review of Trading Funds**

- 8.1 Members were advised that the HM Treasury and BERR commissioned review of Trading Funds should be published in early 2008. The review will be discussed at future meetings. The Chair recommended that Avi Persaud should take the lead on responding to the economic aspects of the review.

9. **Review of APPSI Procedures for Reviewing Complaints**

- 9.1 The Chair said that he and the Deputy Chair still needed to arrange a meeting to take forward the recommendations that Dennis Morris had made in his paper on revising the APPSI Procedures for Reviewing Complaints. It was agreed that Michael Nicholson should also contribute to the review as he had practical experience of the operation of the APPSI Procedures. Hilary Newiss also agreed to bring her legal experience to the review.

Action Point: A meeting of all those involved in the review of the APPSI Procedures to be arranged in early 2008.

10. **Presentation by Peter Wienand**

- 10.1 The Deputy Chair gave a revised version of the presentation given at the Oxford Seminar in November. The presentation covered 5 categories which were connected. These categories were:

Defects in the underlying legislation: The main one being the definition of “Public Task”. Others related to “reasonable costs” and the use of the term “documents”. The ambiguity of language did not create certainty. There is no obligation to allow re-use.

The “challenges of enforcement”: Determinations made in relation to complaints under the Regulations are non-binding.

The lack of evidence about the benefits of greater re-use of PSI. There is a wide variety of PSI and there is a lack of information about the economic benefits and cost savings of allowing greater re-use of PSI in the EU. He said that the release of spatial data in Australia provided some useful evidence in this area.

The social effects of greater use of PSI: More evidence was required on the social benefits of allowing re-use of PSI. The EU had some useful data on allowing its own material to be re-used.

UK Position: The Deputy Chair indicated that the UK had done well compared with many of the member states and that recent PSI developments in the UK were building on those successes.

10.2 In the discussion that followed the presentation the following subjects discussed. A member raised the subject of underlying Intellectual Property Rights in PSI and said that Crown and Parliamentary copyright were not reviewed in the Gowers Report. It was pointed out that Crown copyright had been subject to its own review in 1999. There was some discussion about copyright and IPR in derived data. The issue of licensing database rights was also touched on. There was some discussion about NHS concerns on having controls on how its material was re-used and presented.

11. Organisation for Economic Co-operation and Development (OECD) workshop, February 2008

11.1 The Chair said that APPSI should keep a watching brief of what takes place at the OECD workshop. Stefan Carlyle had been an influential ambassador for APPSI at previous OECD workshops and it was hoped that he would be able to do the same again if he was able to attend the workshop in a work capacity. Chris Corbin said that he was going to attend the workshop and was prepared to provide feedback to APPSI Members.

12. Guardian coverage of APPSI, 15 November 2007

12.1 The Chair said that he hoped that members had seen the article headed “Public sector information worth billions” by Michael Cross in the Guardian on 15 November. He was content with the general thrust of the article and regarded Mr Cross as a friend of APPSI.

13. APPSI 4th Annual Report

13.1 The Chair said that he intended to produce a shorter report of about 8 pages setting out the key issues of the last year rather than the detailed reports of the previous years which duplicated material that is available on the APPSI website.

Action Point: The Chair to finalise the list of contents for the Annual Report.

14 4th Annual Seminar

14.1 The Chair said that the Oxford seminar had been a success and had enabled those who had attended to look and discuss two big themes in great detail. Minutes of the Seminar will be made available on the APPSI website.

15. Recent events/seminars (ePSIplus, DCF, Locus, Kable)

15.1 Since the last Meeting representatives from APPSI had participated in the following events.

15.2 The Deputy Chair gave a presentation on the Legal and Regulatory process at the ePSIplus UK National event organised by the Digital Content Forum (DCF) in London on 30 October 2007.

- 15.3 On 22 November 2007 the Chair spoke an evening seminar on “Complaints and Redress in the PSI Marketplace” organised by of the Locus Association in association with Dorsey & Whitney. A representative from OPSI and Intelligence Addressing also spoke at this event.
- 15.4 On 4 December 2007 the Chair chaired a Kable organised conference on Public Sector Information and Data Management held at the Inmarsat Conference Centre in London. At this event presentations were given by representatives from the Dutch Forum on Standardisation, Flemish e-Government, North Hertfordshire District Council, UK Office for Library Networking, New Local Government Network, Information Commissioner’s Office, House of Commons and Loyalty Management UK. The Chair said that it had been an interesting day. A representative from OPSI attended the event and made a short note of the day.

Action Point: The Secretariat to circulate a copy of the OPSI note to Members.

16. APPSI Website

- 16.1 Chris Corbin agreed to review the APPSI website and provide recommendations to the Secretariat on ways to improve presentation of information on the website. There was also a discussion about updating the biographies on the website. It was suggested that APPSI look at the possibility of reviving its discussion forum which had been closed due to technical and security problems. It was also suggested that APPSI have a page on its website about past members of APPSI.

Action Point: The Secretariat to write to new members requesting a biographic note about themselves for publication on the APPSI website. Current members to check their biographical details and to let the Secretariat know of any changes required to update them.

Action Point: Chris Corbin to review the APPSI Website.

17. Paper by Avinash Persaud and John Ponting

- 17.1 The Chair let members know that Avinash Persaud and John Ponting had agreed to draft a paper on “The Value of PSI” for publication on the public sector news and features website: www.publicservice.co.uk. The Chair said that he had been unable to produce the paper due to the other commitments and would like to thank Avi and John for agreeing to jointly write the paper.

18. Any other business

- 18.1 The Chair informed members that the Secretary to the Data Sharing Review had written to him about independent review of the use and sharing of personal information in the public and private sector which the Prime Minister has asked Richard Thomas, the Information Commissioner, and Dr Mark Walport, Director of the Wellcome Trust to conduct. The Review published a consultation paper on 12 December 2007 and has set up a consultation which closes on 15 February 2008. The Chair asked the Secretariat to circulate a copy of the letter to Members and a link to the consultation paper. John Thornton agreed to take the lead on producing an APPSI response to the Consultation.

Action Point: The Secretariat to circulate a copy of the letter from Secretary to the Data Sharing Review to members and provide a link to consultation paper.

Action Point: John Thornton to draft the APPSI response to the consultation.

19. Dates of next meetings

19.1 The Chair said that dates needed to be fixed for future meeting in 2008.

Action Point: The Secretariat to arrange meetings in February, April, July September and December 2008 and circulate the proposed dates to members.

20. Action Points

The following action points were agreed during the meeting:

- The Secretariat to send an e-mail to new members with details of key reading including links to the key documents.
- Members to come up with their 3 most pressing issues for APPSI during 2008 for discussion at the next meeting.
- APPSI to invite the Minister to attend one of its meetings.
- Membership of sub-group to be finalised and to start looking at how APPSI should most effectively respond to the review of the PSI Directive.
- A meeting of all those involved in the review of the APPSI Procedures to be arranged in early 2008.
- The Chair to finalise the list of contents for the Annual Report.
- The Secretariat to circulate a copy of the OPSI note to Members.
- The Secretariat to write to new members requesting a biographic note about themselves for publication on the APPSI website. Current members to check their biographical details and to let the Secretariat know of any changes required to update them.
- Chris Corbin to review the APPSI Website.
- The Secretariat to circulate a copy of the letter from Secretary to the Data Sharing Review to members and provide a link to consultation paper.
- John Thornton to draft the APPSI response to the consultation.
- The Secretariat to arrange meetings in February, April, July September and December 2008 and circulate the proposed dates to members.

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