



ADVISORY PANEL ON CROWN COPYRIGHT

Meeting with Kevin Dunion, Information Commissioner for Scotland

Date: Thursday 16 December 2004
Time: 2.00 p.m.
Venue: Office of the Information Commissioner for Scotland, St. Andrews.
Attendees: Kevin Dunion (Information Commissioner for Scotland)
Professor Hector MacQueen (APPSI)
Thomas Papworth (APPSI)
Professor Richard Susskind, OBE (Chair, APPSI)

TP explained that while the management of Crown copyright was a devolved matter, public sector information (PSI) policy was reserved. This was based on advice from Treasury Solicitors and lawyers at the Scottish Executive. KD asked why PSI policy was reserved. RS and HM explained that Copyright law was UK-wide and not subject to different jurisdictions, and also that it was centred around eCommerce and the European Commission's desire to promote the knowledge economy.

Action Point: TP to look further into reasons and to let others know

RS explained the role of the Panel and of the findings. In discussing APPSI's view that Government needs to join up its thinking over PSI, Freedom of Information (FoI) and other knowledge-based policies, KD noted that this was difficult across jurisdictions. RS still pressed for greater coherence within jurisdictions.

KD noted the cultural antipathy of public sector bodies (PSBs) to giving away for free a potentially valuable resource. PSBs were concerned that if commercial sector bodies (CSBs) were making a profit then the PSBs were perhaps not utilising their resources optimally. RS observed that FoI does not give the right to copy or exploit for commercial use. KD agreed that greater guidelines were needed. All agreed that the best defence against being obliged to give away information for free was to proactively publish and to set a fee. The information would therefore be available "by other means" and therefore not subject to FoI.

RS outlined his model of Government moving from "Closed Government", where information is not available, through "Reactively open Government" (the current situation), where Government gave away information on request, to "Proactively open Government" (the future), where Government made information available in the anticipation that it might be useful. KD noted that PSBs were mistaken if they thought that business could continue as usual; FoI and similar legislation (e.g. PSI) had radically changed the environment.

RS and KD also agreed on the need for systems and technologies to be in place to manage FoI/PSI etc. RS noted, however, that PSBs would be justifiably annoyed if FoI-compliant systems needed to be redesigned at significant cost after only six months because they did not fit the needs of PSBs hoping to be PSI-compatible. KD warned that some PSBs would rather defer up-front costs until they had tested the water and were sure it was worth the investment.

TP outlined the history and timeline of the EU Directive on the Re-use of Public Sector Information, the consultation process surrounding it and the findings of the first consultation. RS noted that litigation was too costly as dispute resolution process but that light touch was too weak. He told KD that APPSI was being considered as a dispute resolution body.

It was also noted that PSI issues could arise in Scotland that were not under ICS's jurisdiction. However, RS assuaged any concerns KD had that this would encroach on his jurisdiction.

RS concluded by outlining the APPSI Annual Seminars and inviting KD to the seminar in March 2005. KD also suggested that one of his officials, Sarah Hutchinson, would keep a watching brief on the issue. TP would monitor the office of the ICS for APPSI.

Action Point: TP to monitor activity at the office of the ICS for APPSI.