

A Consultation on Data Policy for a Public Data Corporation

August 2011

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Ministerial foreword



Francis Maude, Minister For Cabinet Office



Edward Davey, Minister for Employment Relations, Consumer and Postal Affairs, Department for Business, Innovation and Skills

We announced in January our plans to establish a Public Data Corporation (PDC) and set out the vision and objectives for an organisation that would bring together data rich bodies, providing easier access to public information.

This consultation document takes the next step by engaging data users, and the public more generally, to consider some of the important data policy questions that need to be decided in order to successfully establish a PDC later this year. Here we are

A handwritten signature in dark ink, appearing to read 'Francis Maude'.

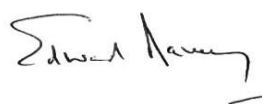
Francis Maude

endeavouring to be as transparent as possible in engaging with data users in some of the early decisions that will inform the strategic direction of a PDC.

Importantly, the questions on charging for information focus on balancing the PDC objectives of making more data more freely available, including some for free, with ensuring that there is a sustainable business model for PDC. It is critical that we have your views to help guide us in making choices that will help determine the business model, membership and structure of a PDC.

This consultation should also be read in conjunction with 'Making Open Data Real: a public consultation' being published by Cabinet Office. A PDC will operate in the new context that the consultation is shaping and will reflect many of the key aims of this consultation.

The creation of a PDC will be an important step in opening up government data so the benefits can be felt in the wider economy. As well as providing opportunities for greater efficiencies within the public sector through more collaboration and sharing of data, a PDC will also deliver improved access to data for developers, business and members of the public leading to more opportunities to develop innovative products and services. These opportunities will be further expanded in the work of the Growth Review over the summer being led by BIS and HMT.

A handwritten signature in dark ink, appearing to read 'Edward Davey'.

Edward Davey

Executive summary

The Government's overall approach to Transparency is being set out in 'Making Open Data Real: a public consultation'¹. Transparency across government and public services is a powerful lever for a whole range of positive outcomes: increasing accountability, building public confidence in government bodies, stimulating efficiency gains within the public sector, promoting greater citizen engagement and stimulating economic growth.

It is recognised that there are vast opportunities to support these outcomes in making the data that public sector organisations collect more freely available. Government is exploring what more it can do to maximise the growth opportunities from this data as part of the second phase of its Growth Review². More broadly the Open Data consultation makes a series of proposals aimed at establishing a culture of openness and transparency in public services, including enhancing a 'Right to Data' and how public service providers might be held to account for delivering Open Data.

In January this year, Government announced its intention to create a Public Data Corporation (PDC). This would bring together data-rich organisations with the aims of:

- providing a more consistent approach towards access to and accessibility of public sector information, balancing the desire for more data free at the point of use whilst ensuring affordability and value for taxpayers;

- creating a centre of excellence driving further efficiencies in the public sector; and
- creating a vehicle that can attract private investment.

Government believes that a PDC will provide structures and incentives to promote greater access to, and usage of, public data and information, delivering benefits for the wider economy. There are also significant opportunities to drive efficiency and improvement of public services through better sharing of key data between organisations.

The Government has already made progress toward the establishment of a PDC, through bringing under single departmental sponsorship three organisations that may potentially form part of a PDC: HM Land Registry, Met Office and Ordnance Survey. A Transition Board has been established which will oversee the establishment of a PDC by the end of 2011.

Consultation

In order to take decisions on membership, strategy and structure of a PDC it is critical that Government is clear about the data policy framework that will apply. This consultation explores questions on key aspects of data policy – charging, licensing and regulation of public sector information produced by the PDC for re-use – that will determine how a PDC can deliver against all its objectives. The responses to this consultation will enable Government to reflect on an appropriate policy framework before consideration of the business case and decisions on membership and structure of a PDC are taken in the autumn.

This consultation considers questions around the data policy that will apply to the PDC and

¹ Making Open Data Real: a public consultation; Enabling Open Public Services and a meaningful Right to Data'

² [HMT Growth Review Phase 2](#)

its constituent parts. Throughout the rest of the document we refer to PDC information, which we define as:

“The objective, factual, non-personal data and information which is collected and generated within the PDC or its constituent parts.”

Existing Policy and Legal Framework

A PDC will comprise public sector organisations which are subject to the requirements set out in HM Treasury’s publication ‘Managing Public Money’. These entities are also subject to the existing policy and regulatory framework for releasing and re-using information held by public sector bodies (excluding personal information) which are driven by:

- Crown copyright and Crown database rights;
- Re-use of Public Sector Information Regulations 2005 (PSI Regulations); and
- The Information Fair Trader Scheme (IFTS).

The extent to which these regulations and policies apply individually, and in combination, differ for different public sector bodies. It is likely that within PDC all will apply to some degree, depending on the ultimate structure and classification of PDC or its constituent parts.

Access and Release

In order to better exploit public data, users – whether businesses or citizens – need to be able to access it. Progress has been made in a number of areas already in terms of developing a Data Set Inventory and using recognised standards. The Open Data consultation is consulting on an enhanced ‘Right to Data’ which covers many of the issues on access and release and an approach

on these issues taken by a PDC will need to reflect any new developments.

Charging

A PDC is likely to include some of the small number of public sector organisations which can charge for data and information. In order to balance Government’s objectives around increasing access to data, making more data freely available year on year, considerations of affordability and the potential need to attract external capital, it is likely that a mixed charging model will be needed for PDC i.e. some data available for free, some charged for. The Government’s aim for a PDC is to ensure that charging is fair and transparent, and that the appropriate incentives are in place to encourage increased access to and release of data, where possible at lower or no cost.

The consultation considers three broad options for charging for data:

- **Status quo plus commitment to free:** under this option bodies within a PDC would continue to operate under the existing legal and policy framework, but with a commitment to make more data available free for re-use;
- **Harmonisation and Simplification:** under this option some data would be made available for free; for all PDC information within the public task (see Para 3.8), there would be a single price for a particular unit of PDC information and this price would apply to all uses of the information; there would be an ability to charge full cost plus an appropriate rate of return for PDC information and services outside the public task; and
- **Freemium:** this model is most often used in software and web-based services and works through a basic-level free offer, while charging for advanced features, functionality or related products.

Licensing

The Government is seeking views on ways in which licensing of PDC information can be simplified and streamlined in order to remove barriers to accessing and re-using information. The options set out in this paper would only apply to PDC information which would be charged for – all data made available free for re-use would be available under the Open Government Licence (OGL). The three options elaborated on are:

- **Use-based model** with common overarching principles and guidelines based on those set out in the UK Government Licensing Framework (UKGLF), but constituent parts of PDC have their own licences;

- **PDC-wide single “overarching agreement”** with a single generic overarching set of common terms and conditions, with supplementary licences and schedules specific to user/dataset in question; and
- **PDC-wide model** based on a single licence incorporating all possible variations specific to user/dataset in question.

Regulatory Oversight

In creating a PDC, and achieving a balance between its stated objectives, it may be that additional regulatory or policy oversight will be required. This consultation considers the regulatory challenges that the creation of a PDC may bring.

How to respond

This publication is available [online](#).

When responding, please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation response form and, where applicable, how the views of members were assembled.

For your ease, you can reply to this consultation either by participating in an [online survey](#), or completing the Consultation Response form, a copy of which is available [electronically](#)

How to make a complaint

Complaints or comments on the consultation process:

If you have a complaint or comments on the consultation process itself, please contact:

Karen West
Cabinet Office
Finance and Estates Management
Rosebery Court
Norwich
NR7 0HS

Email: karen.west@cabinet-office.gsi.gov.uk

Handling of Information from Individuals

The information you send may need to be passed to colleagues within Government, and may be published in full or in a summary of responses.

All information in responses, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want your response to remain confidential, you should explain why confidentiality is necessary and your request will be acceded to only if it is appropriate in the circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. Contributions to the consultation will be anonymised if they are quoted.

Individual contributions will not be acknowledged unless specifically requested.

1. Open Data and the Public Data Corporation

This chapter sets out the vision for a Public Data Corporation (PDC), its aims and the remit of this consultation on data policy.

1.1. The Government's overall approach to Transparency is being set out in the 'Open Data' consultation. Transparency across Government and public services is a powerful lever for a wide range of positive outcomes: increasing accountability, building public confidence in government bodies, stimulating efficiency gains within the public sector, promoting greater citizen engagement and stimulating economic growth.

1.2. It is recognised that there are vast opportunities to support these outcomes in making the non-personal data that public sector organisations collect more freely available. We are moving into an economy where the potential for the use of public sector data is increased and where there is an expectation that data will be more freely available. Today, governments, businesses, and individuals around the world are generating, capturing and using enormous amounts of data and information. In the private sector this data is already exploited to provide better services to individuals and to develop new market opportunities.

1.3. Government is exploring what more it can do to maximise the growth opportunities from this data as part of the second phase of its Growth Review. More broadly the Open Data consultation makes a series of proposals aimed at establishing a culture of openness and transparency in public services including enhancing a 'Right to

Data' and how public service providers might be held to account for delivering Open Data.

1.4. Public sector organisations themselves are becoming data rich organisations. Organisations ranging from schools, hospitals, mapping agencies, weather forecasters, justice agencies, local government and land registries, are collecting and storing ever greater amounts of data which they need to fulfil their core role and functions – this is known as public data, or sometimes public sector information. For example:

In April 2011, in one month alone, 235 terabytes of data were collected by the US Library of Congress³. In the UK, the Met Office archives 10 tera bytes of data daily.

1.5. This is a powerhouse of material that has the potential to create significant social and economic value for global economies such as our own, as well as empower citizens with the ability to hold public institutions to account and take more control over their own choices.

Public Sector Information

1.6. Many thousands of public sector organisations, from the smallest Local Authority to the biggest government department, collect data and information on behalf of citizens. Public data is used by a large range of organisations and groups – government departments, private companies, the developer community and citizens - to fulfil their core role and functions. In terms of citizens using the data, this is usually in the

³ [US Library of Congress](#)

form of products which have been tailored to their needs (i.e. weather forecasts as opposed to data on weather observations), whereas specialist private sector organisations, developers and not-for-profit organisations might be using the raw data itself. Many public sector organisations which collect data, release both raw data as well as value-added data and products tailored to specific audiences.

1.7. The majority of this public data is collected by Government as a by-product of public sector delivery e.g. agencies and departments responsible for health, education, transport and criminal justice. The types of public data collected include: performance data, routine and clinical audit data in the health sector, pupil level data in the education sector, and offender-level data in the criminal justice system.

1.8. However, for a small number of organisations their primary purpose is collecting, managing and disseminating data and providing value-added services based on that data. These include household names such as the Met Office and Ordnance Survey, which have a long heritage, and have extensive historical databases.

1.9. Their public data is often a form of “public infrastructure” – extensively used by a wide range of organisations in the public and private sectors and in civil society and can be uneconomic, inefficient and in some cases impossible for other organisations to duplicate. It is also data which is essential to other “public good” services such as the emergency services.

1.10. Some of this data also forms essential national “core reference data” (such as addresses, company numbers) which are widely used by business and individuals as accepted identifiers for physical and non-physical entities in the economy and wider society.

1.11. In recent years, successive Governments have sought to improve delivery of public services through openly publishing public data. Sharing these datasets has had as powerful an effect on those producing it, as it has on those receiving it, and is helping drive out ineffective and costly practices. The fact that this data is now more accessible has stimulated the development of an information market.

Creating a Public Data Corporation

1.12. The Government recognises the social and economic value generated by the use of core reference data is best realised by aligning incentives of public sector organisations to promote greater access to, and usage of, the data and information they produce. To this end the Government announced it would create a PDC, by the end of 2011. This will bring together a number of organisations, providing an opportunity to align the way they manage and release public data for use and re-use.

PDC Objectives

The stated aims of a PDC are to:

- provide a more consistent approach towards access to and accessibility of public sector information, balancing the desire for more data free for re-use whilst ensuring affordability and value for taxpayers;
- create a centre of excellence driving further efficiencies in the public sector; and
- create a vehicle that can attract private investment.

1.13. The commitment to the creation of a PDC also recognises the significant opportunities for greater collaboration and

sharing of data in order to improve delivery of public services, particularly in the areas of land and property, the environment and natural hazards. These opportunities depend on removing unnecessary barriers to the access, use and re-use of data created and held in the public sector.

1.14. The objectives also recognise that it may be necessary to consider ways of attracting external capital investment into organisations within a PDC, or indeed into a PDC itself. This would secure investment into core data infrastructure, supporting innovation and could realise value for the taxpayer from valuable assets held by the Government.

1.15. Greater access to public data is likely to depend on investment in infrastructure to make access possible at the scale required e.g. IT platforms which can provide quicker and easier access to data for the user. Currently public sector organisations do not always have these types of systems in place so additional costs are incurred to make data available.

1.16. Policy on charging and licensing of public data clearly has the potential to impact on the value of a PDC as a whole and/or on its constituent parts, with consequences on the ability of a PDC to attract external capital. A PDC is about balancing these objectives and defining a sustainable operating model and overarching data policy framework that will deliver against all of them.

1.17. The Government has already made progress toward establishment of a PDC through bringing under single departmental sponsorship three organisations that may potentially form part of PDC later this year: HM Land Registry, Met Office and Ordnance Survey. A PDC Transition Board has been established which will oversee the establishment of a PDC Board by the end of 2011.

1.18. In order to take decisions on membership, strategy and structure of a PDC it is critical that Government is clear about the data policy framework that will apply. This consultation explores important questions on key aspects of data policy that will determine how a PDC can best deliver against all its objectives. The responses to this consultation will enable Government to reflect on an appropriate policy framework, before consideration of the business case and decisions on membership and structure of a PDC are taken in the autumn. At the time of constituting a PDC into a formal organisation we will consider again the implications for privacy and confidentiality needed in the data policy framework for a PDC.

1.19. The expectation is that the creation of a PDC will only apply to reserved matters within the UK.

Open Data and the costs of Core Reference Data

1.20. The Open Data consultation proposes that 'Open Data' is data which can be freely used, re-used and redistributed by anyone. In relation to public services, Open Data means data available under the terms of OGL. The presumption is that data about public services will be Open Data. It may be that some data held in relation to public services is made 'available', but is charged for.

1.21. One of the key features of core reference data is the fact that its production often incurs high fixed costs which are incurred irrespective of the number of datasets produced or disseminated. As a result, it is often more efficient for this type of data to be captured once by a single body who releases that data to others.

1.22. The way that Government has sought to cover those high fixed costs and to ensure sustainable investment in data infrastructure has been to encourage public sector bodies to licence their core reference data to third parties. In addition, the Wider Markets

Initiative⁴ was designed to encourage the more intensive use of public assets, including data, through the development of new, non-statutory products and services which could be sold on a commercial basis.

1.23. In setting up a PDC, the Transition Board will consider business models that best balance all three objectives of a PDC. The questions in this paper will help the Government consider how best to balance affordability considerations and the implications for attracting external capital into a PDC with the ambition to release more data for free. However, this consultation also addresses the other barriers to the use and re-use of public sector information, such as licensing and issues around access and release.

⁴ [Wider Markets Initiative](#)

2. Existing Policy and Legal Framework

This chapter provides an overview of the current policy and legal framework within which the specific questions in later chapters should be considered.

2.1. A PDC will comprise public sector organisations which are subject to the requirements set out in HM Treasury's publication *Managing Public Money*⁵. These entities are also subject to the existing policy and regulatory framework for releasing and re-using information held by public sector bodies (excluding personal information) which are driven by:

- Crown copyright and Crown database rights⁶;
- Re-use of Public Sector Information Regulations 2005 (PSI Regulations)⁷; and
- The Information Fair Trader Scheme (IFTS)⁸.

2.2. The extent to which these regulations and policies apply individually, and in combination, differ for different public sector bodies. It is likely that within PDC all will apply to some degree, depending on the ultimate structure and classification of PDC or its constituent parts.

2.3. Responsibility for the overall management of Crown copyright and Crown database rights, the implementation of the PSI

Regulations and the IFTS sits within The National Archives.

Managing Public Money

2.4. *Managing Public Money* explains that the norm is to charge at full cost for publicly provided goods and services, with charges for commercial services supplied into competitive markets being set at a commercial rate. Much information about public services should be made available either free or at low cost in the public interest. However, there are circumstances where charges are made, including where there are statutory powers to charge. Public sector organisations can also charge for information which recipients intend to re-use. *Managing Public Money* explains that where data is supplied for re-use the norm is to charge at marginal cost. For value-added data, and for all information supplied by trading funds, the norm is to charge at full cost plus an appropriate rate of return.

Crown copyright

2.5. Information produced or held in the public sector is subject to intellectual property rights, in particular, Crown copyright and Crown database rights. The licensing authority for Crown copyright and database rights is The National Archives.

2.6. The vast majority of Crown material is made available for free use and re-use under the OGL. Crown bodies are not allowed to charge above the marginal cost unless they seek, and are approved, an exemption from The National Archives. Many public sector information traders, for example, UK Hydrographic Office and Ordnance Survey, are Crown bodies which operate their licensing activity under a full delegation of authority from the Controller of Her Majesty's Stationery Office within The

⁵ [HMT's Managing Public Money](#)

⁶ [Crown Copyright Information](#)

⁷ [Public Sector Information Regulations](#)

⁸ [Information Fair Trader Scheme](#)

National Archives. The norm for such entities is to charge at full cost including an appropriate rate of return. The delegation of authority is issued on the basis that organisations comply with the principles of the IFTS and adhere to the PSI Regulations.

Public Sector Information Regulations

2.7. The PSI Regulations also establish a number of principles and standards for public sector bodies which make their information available for re-use. The PSI Regulations define which bodies are covered by the regulations.

2.8. The key elements of the PSI Regulations that are likely to apply to a PDC are those which introduce:

- the public task; and
- the terms under which public sector information is made available for re-use.

2.9. The concept of public task is core to understanding how the PSI Regulations affect the re-use of public sector information. Only information falling within the scope of an organisation's public task is covered by PSI Regulations. To date, very few public sector bodies have published statements of what constitutes their public task and there have been no standards or definitions against which to assess such statements. The National Archives is developing a set of draft principles and guidance to enable public sector bodies to consider and publish their public task statements⁹.

2.10. The PSI Regulations allow for public sector bodies to charge at full cost plus a

reasonable rate of return for the provision of public sector information for re-use.

Information Fair Trader Scheme

2.11. The IFTS was developed by The National Archives to ensure that those public bodies that operate under a delegation of authority from the Controller of Her Majesty's Stationery Office are subject to principles and standards on the re-use of public sector information.

2.12. The IFTS sets standards and principles, such as simplicity, transparency and fairness, which members are required to meet as a condition of accreditation. These standards provide re-users of public sector information the confidence that they will be treated reasonably and fairly by the information provider. Some non-Crown bodies such as the Environment Agency and the British Geological Survey have opted to join IFTS.

2.13. Members of IFTS have been allowed flexibility in their licensing and charging models, subject to regulation, which has the benefit of allowing licences and charges to be developed for specific market needs and uses, rather than having a single blanket approach.

The UK Government Licensing Framework

2.14. The UK Government Licensing Framework (UKGLF)¹⁰ provides the policy and legal overview for the licensing of all public sector information, both in central government and the wider public sector. The Framework has been created to meet the needs of:

⁹ Re-users who would like the opportunity to view the principles as they develop are invited to sign up to the National Archives re-users and licences RSS feed or email: standards@nationalarchives.gsi.gov.uk

¹⁰ [UK Government Licensing Framework](#)

- the public including community groups and social organisations;
- the information re-user community, both in the public and private sector; and
- the public data developer community.

2.15. The UKGLF, introduced in 2010, forms part of the Government's drive to open up access to publicly held information, promoting transparency and enabling wider economic and social gain.

The Open Government Licence

2.16. At the heart of the UKGLF is the Open Government License¹¹. The OGL provides a simple, clear licence that encompasses all the requirements for enabling re-use. The adoption of the OGL is being encouraged across the public sector as the default licence for public sector information which is available free for re-use.

2.17. The issues explored in Chapter 5 of this paper will help the UKGLF further strengthen its licensing principles and support the development of a portfolio of licence solutions.

Regulatory Oversight and Compliance

2.18. The IFTS provides the regulatory framework for the major public sector information traders. IFTS accreditation is based on a regular audit of all information trading activities and ensures that those bodies are complying fully with the IFTS

principles and the PSI Regulations. The results are documented in published reports and progress against requirements is actively monitored. Failure to comply fully with the principles set out will ultimately result in Crown bodies having their delegation of authority withdrawn or having licence terms imposed.

2.19. Compliance with the PSI Regulations is managed by complaints-based regulation. The Office of Public Sector Information (OPSI), established under PSI Regulations and part of The National Archives, has a dual role in the investigation of complaints – the statutory complaint handling provisions of the PSI Regulations and the standards requirements of the IFTS. Matters that can give rise to complaints include anti-competitive practices, such as exclusive licensing, failure to respond to requests for re-use, and inconsistent or unfair licensing or charging policies. In the case of PSI Regulations complaints there is a right of review of OPSI's decision, for both the complainant and the public sector body, to the Advisory Panel on Public Sector Information (APPSI). OPSI also offers a mediation and dispute resolution service.

2.20. APPSI was established in 2003 and its role was expanded to review and consider complaints under PSI Regulations and advise on the impact of the complaints procedures under those Regulations. APPSI has recently concluded an independent review of the OPSI complaint handling procedures¹².

2.21. The National Archives also has agreements in place with key regulatory partners: the Office of Fair Trading (OFT), the Information Commissioner's Office (ICO), and the Office of the Scottish Information Commissioner. The agreement with the OFT covers complaint handling under the PSI Regulations, which include the means of addressing concerns about pricing

¹¹ The Open Government Licence is a simple set of terms and conditions to enable the free re-use of government and public sector information, see [the National Archives](#). For organisations which are not public bodies, there is the Creative Commons By Attribution or other recognised Open Licence.

¹² [OPSI review of complaints procedure](#)

and competition. The National Archives and the ICO have a Memorandum of Understanding in place to ensure that complaints are directed appropriately according to whether they cover information re-use or information access. This agreement will be combined with the existing

concordat between The National Archives and the ICO concerning s46 of the Freedom of Information (FOI) Act.

2.22. The subsequent questions on licensing and charging in particular should be considered in the context of these existing frameworks.

3. PDC approach to access and release

This chapter considers issues of access and release of data and should be read in conjunction with the Open Data consultation which considers these issues more broadly.

3.1. For users and re-users of public data one of the biggest challenges is often discovering what datasets exist and how they can be accessed. Participants in the PDC workshops held earlier this year were clear that more needed to be done to make it easier for users to:

- know what public data existed and was held by Government;
- find out how to access that public data; and
- get more information about the detail of individual datasets.

3.2. The Open Data consultation is consulting on an enhanced 'Right to Data' which covers many of the issues on access and release and an approach on these issues taken by a PDC will need to reflect any new developments. This chapter describes the progress that is already being made towards tackling some of these access barriers and the approach that will be taken for a PDC going forward.

Data discovery

3.3. The public sector currently collates numerous information inventories including: FOI publication schemes, departmental information strategies, both general and personal information asset registers, and the

Local Government Data list. This leads to unnecessary bureaucracy and no clear view of what information exists.

3.4. Data.gov.uk provides a single searchable website to make more public data available, but there is more that is being done to make it easier to find and access public data. In the 2011 Budget, Government therefore committed to create a dataset inventory from key data-holding organisations. The Government's Open Data consultation poses questions to test how best to develop effective data inventories for public data. A PDC and its constituent parts will be included in a dataset inventory.

Release mechanisms

3.5. The Open Data consultation is seeking wider views on an enhanced 'Right to Data' which would establish a stronger presumption in favour of the publication of data than that which currently exists. It asks questions around embedding this presumption in legislation and instituting a requirement on public bodies to publish data amongst other measures.

3.6. Different release mechanisms will be more appropriate for different types of users. For instance, a community group may only need to access a weather observation once on a particular day, whereas an electricity supplier would want to have access to the most up-to-date and frequent observations available. Equally, different types of users will have varying abilities to use and re-use data and information that is made available. Some will not have the technology or infrastructure required to access and make use of large, complex datasets.

3.7. There is clearly some public data to which unrestricted access cannot be given, for example personal data, and information

which is confidential, for example, on security grounds. However, it is important that Government is clear about why this information cannot be released.

Developing Cloud computing based release

The Met Office is participating in a project to prove the concept of an Open Platform, a cloud computing based storage and compute service. It is hoped that the Open Platform will ultimately provide an improved distribution channel and management portal that provides users with an easy-to-use discovery mechanism to find, access, process and manipulate data and content, tailored to their needs.

3.8. Bringing together public sector bodies into a PDC provides an opportunity to develop improved release mechanisms for data and information. A PDC will aim to employ mechanisms for accessing its information, to ensure that the maximum benefit – both economic and social – can be gained from its information and to develop new, innovative ways of making data and information more easily available.

3.9. A PDC will also adopt the common standards developed for data.gov.uk to describe the information it holds and makes available i.e. for its metadata. Where PDC information is more specialist it will use relevant sector standards for metadata.

Formats

3.10. The Public Data Principles¹³ set out that:

“Public data will be published in reusable, machine-readable form – publication alone is only part of transparency – the data needs to be

reusable, and to make it reusable it needs to be machine-readable. At the moment a lot of Government information is locked into PDFs or other unprocessable formats.”

3.11. Where possible Data.gov.uk uses open standards and non-proprietary formats and this approach will be adopted for the PDC.

3.12. In some cases PDC information may be technical datasets that are not able to be accessed using normal re-useable standards. In these cases industry or sector standards will be adopted to ensure maximum accessibility.

3.13. Once a PDC is established further consideration will be given to how users can find and access information from it, as well as considering opportunities for using the appropriate recognised metadata standards. The Government has recently made changes to how data is available from data.gov.uk, including providing more visual interpretations of that data to make it easier for smaller users to analyse and understand the information. There is the potential for a PDC to bring together its datasets, information and knowledge to provide a platform for greater innovation in the economy as a whole.

3.14. It is possible that investment will be required to equip PDC organisations with the infrastructure and resources to make accessing its data easy and cost-effective for users. The business model for the PDC will need to consider the most effective way of meeting those investment needs, within the broader objectives for a PDC.

¹³ [Public Data Principles](#)

4. Charging for PDC information

This chapter explores options for charging for PDC information which best balance increasing access to data, providing more data free for re-use and ensuring affordability and value for money and maintaining a sustainable business model for a PDC.

4.1. The proposals in the Open Data consultation outline how the Government will move to a position where most data held by public service providers about the provision of public services will be available for re-use under the OGL.

4.2. In order to balance the Government's objectives around increasing access to data and affordability, it is envisaged that some PDC information will be charged for and other PDC information will be available for free or at low cost. High fixed costs associated with core reference data mean that care is needed to ensure the overall business model remains sustainable and affordable.

User engagement

4.3. There are studies that suggest that charging for public data could be a barrier to its wider use. For example, a 2007 study¹⁴ suggests that moving to lower cost (marginal pricing) basis could generate additional

economic benefit. Levels of charging, alongside licensing, can have an impact on how users can use and re-use public data, although anecdotal evidence suggests that other barriers, such as accessibility, may be more important.

4.4. As part of the initial evidence gathering exercise to inform development of PDC proposals, a series of workshops¹⁵ were held which asked existing and potential users of PDC information questions about access, licensing and charging. At these workshops, a range of views were expressed on whether, and how, Government should charge for use and re-use of public data. In general, commercial participants felt that access to data and licensing terms were potentially a greater barrier than price. However, others felt that price could be more of a barrier to access for smaller commercial users, innovators or non-commercial users and re-users of public data.

4.5. Participants at the workshops raised particular concerns, not necessarily about pricing levels, but about the transparency and stability of charging. These issues were also highlighted in the OFT's 2006 report¹⁶.

4.6. Participants suggested that the rules and guidelines surrounding charging for public data are often complicated and unclear. Across different organisations, the factors which affect charging levels are numerous, including:

- the type of data (e.g. unrefined/refined or raw/value-added);

¹⁴ "Models of Public Sector Information Provision via Trading Funds" Pollock et al, Cambridge University, 2007

¹⁵ The workshops were held on 18, 19 February and 4 March 2011

¹⁶ Office of Fair Trading, "The Commercial Use of Public Information (CUPI), December 2006

- the cost of collecting data (and potentially of creating products and services);
- volume;
- whether it is for commercial or non-commercial use; and
- whether it is for re-use.

4.7. Participants recognised that it was sometimes appropriate for charges to be differentiated in order to reflect factors which may vary across datasets or use of that data. Product differentiation could sometimes provide for greater access because it makes the information more accessible to a wider range of users. However, when taken at a macro level this can sometimes seem over complex and unclear for users.

4.8. In the PDC workshops, there was consensus across participants, of all sizes and sectors, to see pricing and charges for PDC and its constituent parts set out clearly, and for fees to be relatively stable over time.

Policy principles on the provision of PDC information

4.9. To ensure the concerns set out above are addressed, it is envisaged that the approach to the provision of PDC information will be based on the following principles:

- to provide more freely available data for re-use year on year within the constraints of affordability;
- to encourage use of PDC information and the creation of new and innovative products and services based on it;
- to be transparent and easy to understand;
- to be able to be applied in a consistent way across a number of organisations;
- to ensure sustainability of high quality PDC information;

- to ensure personal data and data relating to national security and public safety is safeguarded;
- to provide value for money for taxpayers and be affordable; and
- to be consistent with the objective of facilitating private investment into a PDC.

Charging for PDC information

4.10. The question of how to fund the Government's ambition that more PDC information be made available for free is central to considerations on charging. If a trading fund or other public body makes available for free data which it currently charges for then this would leave a funding gap and potentially impact on the quality of data and services, and the ability of organisations to invest to maintain and improve this quality. However, this might equally encourage innovation and new partnership models with other organisations and industry.

4.11. There are a number of ways in which Government could ensure a sustainable business model for a PDC, for example:

- Charging more for certain PDC datasets within the existing policy and regulatory framework constraints;
- Encourage PDC and its constituent parts to make better use of the flexibility to generate greater income from value-added, commercial activities; or
- For Government to subsidise the release of PDC information at marginal cost or no cost, through taxpayer funding.

4.12. Separately, the Government is also considering whether it might be helpful to introduce statutory powers to allow for charges for some PDC services to be set on a medium term basis, to offer users greater

certainty about charging levels. This could provide users and PDC itself with more stability to plan operational delivery and future investments. This approach would be separate from the charging options outlined below.

4.13. Government has considered a broad range of options. This consultation focuses on three which would apply to PDC information:

- **Option 1:** Status quo plus commitment to more data for free;
- **Option 2:** Harmonisation and simplification; and
- **Option 3:** Freemium.

4.14. This chapter focuses on charges for the supply of PDC information. Bodies which may become part of a PDC may also undertake a range of other activities and provide other services which do not relate to the collection and dissemination of data and information; this is not under discussion here.

4.15. These options are all intended to enable PDC to deliver on Government's commitment to making more public data available free for re-use. Importantly, however, these options also provide the flexibility to ensure that this commitment can be appropriately funded and that the business model of the PDC remains sustainable.

4.16. Government has decided not to consult on other options which would fail the tests of affordability and delivering on a free data commitment respectively, for instance a "data utility" pricing model and a "profit-maximising" model.

4.17. The data utility model would have seen public sector activity limited to data collection funded solely by the taxpayer, with that data made available to all users for use and re-use for free. In this world, PDC would have no role in offering products or services

and would not compete in the market with other value-added services. Government would purchase back the value-added data products and services it required from the market. Such an approach is not currently affordable. There may also be risks that the market would not guarantee supply of essential value-added products and services, and that over time the quality and accessibility of data made available from the data utility would degrade due to lack of investment.

4.18. At the other end of the spectrum, the profit maximisation model would have incentivised PDC to fully commercialise all its products and services. While aligned with a strategy focussed purely on maximising value for the taxpayer such a model is unlikely to be consistent with Managing Public Money guidance and delivering on a commitment for free data.

Option 1: Status quo plus commitment to more data for free

4.19. Under this option, bodies within a PDC would continue to operate under the existing framework as outlined in Chapter 3. Where charges are levied these would be determined as they are now for each of the constituent parts of a PDC at the organisation level. There would be no broader consistent approach to charging applied across all PDC bodies.

4.20. However, under this option, there may be a role for a regulatory oversight function in advising PDC and its constituent parts as to how they might go about making practical arrangements to make more freely available data year on year, subject to affordability and value for money. This is discussed further in Chapter 6.

Option 2: Harmonisation & simplification

4.21. This option would base charges for re-use around a PDC body's public task. The public task determines how the PSI Regulations are applied to the organisation. As set out in Chapter 2, Government is developing guidance for public sector bodies to develop their public task statements. It is envisaged that all public sector bodies within a PDC would be required to develop and publish a statement of their public task, based on that guidance.

4.22. This option would provide a single fee for a particular PDC dataset or product within the public task regardless of what its end-use is. This would mean that no matter who was using the PDC information and what they were using it for the price would be the same. It would provide a clear approach across a PDC with openly published fees for particular datasets and products. Fees would be clearly published in a fee schedule available on the relevant body's website.

4.23. Within this approach there would be some PDC information which would be available free for re-use. A PDC would have an aim to make more data free for re-use within the constraints of affordability and ensuring value for money. The maximum that a PDC and its constituent parts could charge for units of information within its public task would be full cost recovery including an appropriate rate of return, in line with the Managing Public Money guidance and the PSI Regulations.

4.24. For PDC information outside the public task, public sector bodies would have the flexibility to supply commercial services with charges set at a commercial rate. There is the potential for providing PDC and its constituent parts with greater encouragement to make better use of the existing flexibility to develop commercial

products to serve commercial markets. This might provide some scope to generate income to replace that lost by making more data available for free for re-use.

Option 3: "Freemium"

4.25. Freemium is a business model that is used in some sectors of the private sector (e.g. software, web services). It works by offering a basic product or service free of charge while charging a premium for advanced features, functionality, or related products and services. In these sectors, the aim is that customers are able to try out the basic products and are then offered the premium products or services at a charge.

4.26. There are a number of ways that businesses design the free part of their model, which seek to find a balance between providing something useful for the customer while not giving away too much of their value. These include:

- Feature limited (e.g. a 'lite' version of software);
- Time limited (e.g. only usable for 30 days);
- Capacity limited (e.g. for an accounts package, can only be used to create 10 invoices);
- Seat limited (e.g. only usable on 1 computer rather than across a network);
- Customer class limited (e.g. only usable by educational users); and
- Time-delayed (e.g. using data released at certain time points as opposed to 'real-time' data).

4.27. A freemium-type approach could provide a way of balancing the objectives set out for a PDC. These examples show how the freemium model can operate in the private sector:

- **Skype** offer free computer-to-computer calls, but have charges for calls to normal landlines and mobile phones.
- **LinkedIn** lets users create digital CVs that can be updated over time and kept in one place. It launched a charged-for feature in November 2009 to help recruiting agencies scour the networking site for job candidates. It offers three types of premium (paid) accounts offering greater levels of flexibility and features within the service, such as the ability to send more direct emails per month.

4.28. There is a range of ways a freemium model could be implemented:

- Feature limited – providing some, low specification or low cost PDC information free for re-use. More specialised or higher cost information would be charged for.
- Capacity or volume limited – providing some PDC information free of charge, limited by some volume parameter. This could include the number of bytes downloaded; percentage of a total dataset; or number of seats that the information can be used from in an organisation. When the volume parameter was exceeded the PDC body would begin charging for use and re-use of the PDC information. An example of this might be a ‘try before you buy’ feature.

4.29. There are other alternatives including time-limited and limiting which users can access ‘free’ products and services, but these seem less applicable to a PDC and its constituents as public sector bodies and hence to PDC information. It is possible that a mixture of options could be applied under a PDC freemium model. If Government decided to pursue a freemium model for PDC it would consult existing users before implementing any specific version of the model.

4.30. Under this option a PDC would have the flexibility to supply commercial services with charges set at a commercial rate. There is the potential for providing a PDC and its constituent parts with greater encouragement to make better use of the existing flexibility to develop commercial products to serve commercial markets. This might provide more scope to generate income to replace that lost by making more data available for free for re-use.

Impacts

4.31. Government has considered the likely impacts of all options on various groups including a range of users of PDC information: citizens, SMEs, developers, third sector (e.g. charities, community groups, and social enterprises), public sector users, corporate users and re-users; existing competitors and partners; Government as a whole; and PDC and its constituent parts.

Users

4.32. It is likely that under all options users will see some changes in the charges for PDC information, depending on which datasets and information those users require. For instance, some units of PDC information which are currently charged for may move to be available free for re-use. Charges for other units may increase.

4.33. For smaller users (e.g. citizens, SMEs, third sector) their ability to access PDC information may also depend on other factors such as the format it is available in and whether they have the necessary IT infrastructure.

4.34. Under option 2 those who currently pay more may see some charges reduce, whereas those currently paying less may see some charges increase.

4.35. Under option 3, different variations of the freemium model may be of more interest to some groups rather than others. For

example, a feature-limited variation may be of most interest for individuals. A volume-limited variation may be suited to an SME or developer who wanted to 'try out' the PDC information before committing to buying a licence.

Existing competitors and partners

4.36. The impact on existing competitors, value-added resellers and partners would depend on how any of the options were implemented. However, broadly we might expect that partners may benefit from greater end-user participation if more data were available free for re-use – in particular those whose business models are based around adding value to PDC information. Conversely, however, those whose models are focussed on re-selling the information itself with little additional value may see their revenues significantly impacted if more information were available for free re-use.

4.37. If PDC and its constituent parts were encouraged to make better use of the existing flexibility to provide commercial products and services, and were successful in doing this, there may be impacts on competitors and partners – particularly in markets which are already developed. It may also have the impact of driving greater competition and innovation in markets which are not yet as developed.

Government

4.38. It is possible that costs to Government may increase under any of these options. This would depend on the extent to which it was affordable to provide more data free for re-use within the PDC business model itself.

4.39. Government is also a significant user of PDC information and consequently Government, and the wider public sector, would be affected by changes to fee levels for individual pieces of PDC information, in the

same way that other users may. This has the potential to increase use and sharing of data across the public sector, where access is improved.

PDC bodies

4.40. Under all options, charges for some units of PDC information are likely to change, with more data being provided free at the point of use.

4.41. Under Option 2, it is possible that some efficiency savings could be delivered through having a single price, although there will be some upfront investment and resource required to implement a change.

4.42. Under Option 3, it is likely that in the short term income would decrease, but if the freemium model was successful income might then increase over time.

Questions

Please provide evidence to support your responses.

1. How do you think Government should best balance its objectives around increasing access to data and providing more freely available data for re-use year on year within the constraints of affordability? Please provide evidence to support your answer where possible.
2. Are there particular datasets or information that you believe would create particular economic or social benefits if they were available free for use and re-use? Who would these benefit and how? Please provide evidence to support your answer where possible.
3. What do you think the impacts of the three options would be for you and/or other groups outlined

above? Please provide evidence to support your answer where possible.

4. A further variation of any of the options could be to encourage PDC and its constituent parts to make better use of the flexibility to develop commercial data products and services outside of their public

task. What do you think the impacts of this might be?

5. Are there any alternative options that might balance Government's objectives which are not covered here? Please provide details and evidence to support your response where possible.

5. Licensing

This chapter seeks views on ways in which licensing of PDC information could be simplified and streamlined in order to remove barriers to accessing and re-using information.

5.1. Licensing has for some time been identified as a potential barrier to the greater use and re-use of public data, depending on the nature of the licensing regime. With the Government's drive towards more open access to public data, the launch of the OGL in 2010 was a significant step forward, providing the basis for consistent and transparent licensing of open data for the public sector.

5.2. The OGL sits at the heart of the UKGLF. Further work has been done to develop the framework to provide additional licensing solutions to sit alongside the OGL. The enhanced UKGLF consists of a non-commercial licence and enhanced guidance and best practice, including detailed guidance covering cases where charges are applicable. The Government published the enhanced UKGLF on 29 July 2011.¹⁷

5.3. Users at the PDC workshops thought that greater consistency and standardisation of licensing across public sector organisations would reduce the time spent by users on understanding licences, and dealing with licensing related issues. However, some felt it was important to retain some flexibility to reflect factors such as the type of public data

being licensed and the use it was being put to. For example, in some cases it may still be preferable to have different licences covering use and re-use of the same data.

5.4. Many licences are complex to understand and do not provide clarity on users legal rights. In the PDC workshops, users stated that they were not always clear about what the licence allowed them to do and what it didn't allow them to do. Some users said that the potential for them to be operating outside of their licence meant that they took a cautious approach to using and re-using public data.

5.5. In some cases, users felt there was a lack of resource within public sector bodies dedicated to licensing issues, which meant that even when users tried to get greater clarity on their rights, organisations were not always able to respond effectively and in a timely manner. Providing clearer licences and sufficient resources to manage licensing issues could therefore help to realise greater benefits from PDC information.

PDC licensing policy principles

5.6. As set out in the UKGLF, the principles that should underpin licensing are:

- Simplicity of expression – the terms should be expressed in such a way that everyone can understand them easily;
- Non-exclusivity – so that access can be provided to a range of users on fair and equal terms;

¹⁷ [UKGLF publication](#)

- Fairness of terms;
- Non-discrimination – terms are extended fairly to all for similar uses;
- The need for acknowledgment and attribution;
- The need for transparency by publishing standard licence terms; and
- Issuing licences promptly and efficiently in order to minimise delays.

PDC licensing options

5.7. Under any of the options outlined below, we would expect a PDC and its constituent parts to follow the principles set out above and the guidance within the UKGLF. In addition, we would expect these constituent parts to:

- Adopt the OGL for all datasets that are not charged for and do not include third party rights;
- Simplify and streamline their licence agreements, in line with the UKGLF;
- Ensure the IFTS principles are firmly embedded in their licensing;
- Provide users with certainty around supply of public sector information; and
- Provide users with a commitment to resolving licensing queries in a timely manner.

5.8. Licensing PDC information will continue to be overseen by an appropriate regulatory body. The current system of oversight is outlined in Chapter 2, and Chapter 6 discusses whether changes may be necessary to reflect the creation of a PDC.

5.9. The options below will only apply to PDC information where use and re-use is charged for. The licences under any of the options would be additional to the use of

OGL for all datasets not charged for and not including third party rights.

Option 1: Use-based portfolio of standard licences

5.10. This option would provide common overarching principles and guidelines which would underpin the licences for all PDC information. These would be based on the UKGLF principles set out above. However, each organisation within a PDC would have its own portfolio of standard licences, terms and conditions appropriate to the nature of their business. If organisations within PDC became more integrated then licences would become different variations of a PDC licence.

5.11. This would mean that licences could be developed with rights and associated charges that were tailored to specific markets. However, these would be standardised for a particular market so that all users taking out a licence for a particular use of PDC information would receive the same terms – there would be no discrimination between users and there would be no terms tailored for a specific user.

5.12. A PDC and its constituent parts would be required to consult openly and comprehensively with users to design an appropriate approach to licensing for a particular use of the PDC information. However, PDC would not be able to create different licences for individual users.

Impacts

5.13. Ensuring that all licences from a PDC are based on the principles and guidelines set out in the UKGLF will bring some consistency to licensing terms across a PDC. However, this option would retain, and potentially even increase, the flexibility for bodies within a PDC to design licences to suit different uses for their information.

5.14. By requiring PDC bodies to consult with their users on their licences, it is possible that there would be a greater level of shared understanding of the rights allowed under those licences, helping to remove some of the perceived barriers caused by over-complex and unclear licences.

Ordnance Survey licensing is an example of Option 1 in practice. Commercial users of products sign one of two framework licences, depending on whether they are re-sellers of the products or direct end-users. The pricing and terms under which the product can then be used are determined by the specific use of the data. Thus there are five market-based uses:

- **Business Use** – the right to use the data for internal business processes but not to re-licence for commercial use – usually the highest price.
- **Consumer and Web** – to enable the use of data at relatively low prices in consumer web applications.
- **View, Track, Schedule** – to enable business web use and support vehicle tracking and similar solutions.
- **Printing** – to enable the creation of printed products using Ordnance Survey data.
- **Navigation** – to enable the use of Ordnance Survey data in SatNavs and similar solutions.

These licences have been developed in conjunction with the private sector users and OPSI, with pricing and terms appropriate to these markets. This model has been significantly simplified and re-launched in 2010-11.

Option 2: Overarching PDC licence agreement

5.15. This option would feature an overarching PDC licence agreement, with a single set of standard terms and conditions for the licensing of all charged for PDC information. This would act as the foundation for all PDC licence agreements and would cover standard terms of engagement for example on elements such as definition of terms, and clauses on default, commencement and termination. These would be based on the principles and guidelines set out in the UKGLF.

5.16. Each user would sign one licence agreement with the PDC which would cover all interactions at a high level.

5.17. However, recognising that there will be a range of information licensed by a PDC there would be flexibility to add additional schedules where necessary underneath that overarching agreement. These might be specific to particular datasets or products, or particular uses of the information as outlined in Option 1, in which case there should be standard licences to ensure that there was no discrimination between users. These should be kept to a minimum so that the system is as streamlined as possible.

5.18. This means that users would have one overarching licence agreement with a PDC and potentially a series of schedules which would describe the specific rights relating to use or re-use of particular sets of information. However, these would be significantly shorter than they currently are as the standard terms and conditions would be covered in the overarching PDC licence agreement. Users would only be required to hold those additional licences and schedules as and when they licensed the information they related to. For example:

Standard terms that could form part of an overarching framework

- Common definitions of standard terms e.g. Intellectual Property Rights, Insolvency event, Contract etc.
- Standard clauses on Confidentiality, Limitation of Liability, Termination, Data Protection, Force Majeure, Assignment, Governing Law.
- The specific schedules from each PDC body would cover issues such as Pricing, Permitted Uses, Warranties.

Impacts

5.19. The use of an overarching licence agreement covering common terms and conditions will rationalise and clarify licensing across a PDC. We would expect that it would enable licences and schedules relating to particular datasets to be much shorter, simpler and straightforward, and only having one set of terms around elements such as termination will be a simplification.

5.20. This option will still provide for some flexibility in tailoring licences to suit particular datasets or particular uses of data.

Option 3: Single PDC licence

5.21. This option would feature a single PDC licence covering use and re-use of all charged-for PDC information. It would contain standard terms and conditions as well as all clauses and schedules to describe specific terms and conditions relating to different data types and different uses.

5.22. Users would sign up to the licence once and this would cover their use and re-use (as applicable) of all PDC datasets. It would cover all PDC information and all potential uses of that information including, for example, academic and developer uses.

Impacts

5.23. While a single licence would offer greater consistency of standard terms and conditions it is likely that there would be a wide range of other terms, clauses and schedules required to cover the various types and uses of PDC information. It is therefore likely to be lengthy and will contain clauses and schedules that will not be relevant to all users.

The State of Queensland Restrictive Licence Agreement

The State of Queensland in Australia has created a single licence agreement to cover all data that is not available under their equivalent of the OGL.

The Restrictive Licence has two parts: the Main Part and the Schedule. The Main Part contains all the relevant standard clauses in the licence. Elements of optionality are retained in the schedules; of which there are 15 described at the end of the licence.

The full licence can be viewed at <http://www.gilf.gov.au>

Questions

Please provide evidence to support your responses.

6. To what extent do you agree that there should be greater consistency, clarity and simplicity in the licensing regime adopted by a PDC?
7. To what extent do you think each of the options set out would address those issues (or any others)? Please provide evidence to support your comments where possible.

8. What do you think the advantages and disadvantages of each of the options would be? Please provide evidence to support your comments

9. Will the benefits of changing the models from those in use across Government outweigh the impacts of taking out new or replacement licences?

6. Regulatory oversight

This chapter aims to explore the regulatory challenges that the creation of a PDC may bring.

6.1. The landscape of policy and legislation that relates to PDC information is wide. Given the confines of this consultation, and its remit to focus only on the data policy options for a PDC itself, it would not be appropriate to consult on the whole policy and legislative framework as this would have implications for policy areas and organisations beyond a PDC.

6.2. Instead, the approach taken here is to focus on any additional oversight function(s) that may be needed given the charging options proposed in Chapter 4.

Current context

6.3. The regulatory and policy framework around the use and re-use of public data is somewhat fragmented with responsibilities spread across a number of departments and regulatory bodies. The main responsibility for regulatory oversight for use and re-use of public sector information is with The National Archives and OPSI. OPSI operates an audit and complaints-based model, with support from both the OFT and the ICO. At the PDC workshops, some participants stated that they found this system complex and at times unclear.

6.4. It is worth noting that to date there has been little recorded activity on OPSI's complaints-based system which exists for the use and re-use of public sector information. This means the regime has not been properly tested, which makes it difficult to assess the effectiveness of, and the extent to which there are issues with the complaints-based system. The following analysis is therefore

written without prejudice to the potential of the current regime.

Potential challenges

6.5. The regulator will need to have a close and open relationship with a PDC and its constituent parts just as OPSI does now with its stakeholders. This will help to ensure that all charges and production of data are transparent and open to challenge. In addition, the regulator must have the capacity, knowledge and insight to advise on statements of public task, on arrangements for making more data freely available at the point of use year on year and the sustainability of a PDC and its constituent parts.

6.6. Under the status quo option, there would be no additional policies or regulations in place. However, there may be a role for the regulator in advising a PDC and its constituent parts how they can best go about making practical arrangements to make more data free for re-use while ensuring a sustainable business model.

6.7. The harmonisation and simplification option would see fees set out on a fee schedule, with a single price for each unit of PDC information.

6.8. However, the definition and application of public task has in some cases caused confusion. In light of revised guidance developed by The National Archives, it is envisaged that all organisations within a PDC will be advised to develop and agree with the regulator the statement of their public task.

6.9. Option 2 also envisages that some PDC information within the public task should be made available free for re-use. There may be a role for the regulator in advising PDC bodies how they might best go

about making arrangements to make more data free for re-use.

6.10. In the freemium model there may be a role for the regulator, as indicated earlier, in advising PDC bodies how they can best go about making practical arrangements to make more data free for re-use while ensuring a sustainable business model.

6.11. In the interest of ensuring fair and transparent access to data, there might be a role for a regulator in ensuring that the data which a PDC makes available should not be restricted to only that data which is of use or interest to Government.

Questions

Please provide evidence to support your responses.

10. To what extent is the current regulatory environment appropriate to deliver the vision for a PDC?

11. Are there any additional oversight activities needed to deliver the vision for a PDC and if so what are they?

12. What would be an appropriate timescale for reviewing a PDC or its constituent parts public task(s)?

7. Annex A – Glossary of terms

Data discovery - is the process of finding out what data exists and how it can be accessed.

Dataset – factual data, structured or unstructured. In relation to public services, this data will typically have been collected as a by-product of delivery. This includes, for example, key public datasets about public services; user satisfaction data; and the performance of providers. For non-government bodies providing public services, information about aspects unrelated to the delivery of their public service function are not in scope.

Fixed costs – costs which do not vary with the level of activity in the short run.

Free for re-use – where there is no charge or fee to the user for the use or re-use of information.

Information – interpretation and analysis of data that when presented in context represents added value, message or meaning.

Marginal cost – the cost of providing one further unit of a good or service.

Licence – a permission by the copyright holder to reproduce or re-use material protected by copyright.

Open Data – Data which can be freely used, reused and redistributed by anyone.¹⁸ In relation to public services, Open Data means data available under the terms of Open Government Licence. The presumption is that data about public services will be Open Data. It may be that some data held in relation to public services is made ‘available’, but is charged for.

PDC information – objective, factual, non-personal data and information which is collected and generated within the PDC or its constituent parts.

Public Sector Information – data and information collected by and/or held by a public body.

Public Task – public task information consists of information that a public sector body must produce, collect or provide to fulfil its core role and functions, whether these duties are statutory in nature or are established through custom and practice. The term ‘public task’ features in the Re-use of Public Sector Information Regulations 2005 (SI 2005 No. 1515) and the INSPIRE Regulations 2009 (SI 2009 No. 3157).

Raw data – data collected which has not been subjected to processing or any other manipulation.

Value-added information (or data) – raw data to which value has been added to enhance and facilitate its use and effectiveness for the user.

Re-use – any use of the information other than for the purpose it was originally created.

Trading Funds – a Government Department, executive agency, or part of a department, established as a trading fund by a Trading Fund Order made under the Government Trading Funds Act 1973. A trading fund has authority to use its receipts to meet its outgoings.

¹⁸ <http://www.opendefinition.org/government/>

8. Annex B – Table of acronyms

| | | | |
|--------------|--|--------------|-------------------------------------|
| APPSI | Advisory Panel on Public Sector Information | OGI | Open Government Licence |
| BIS | Department for Business, Innovation and Skills | OPSI | Office of Public Sector Information |
| FOI | Freedom of Information | PDC | Public Data Corporation |
| HMT | Her Majesty's Treasury | PSI | Public Sector Information |
| ICO | Information Commissioner's Office | SME | Small and Medium sized Enterprises |
| IFTS | Information Fair Trader Scheme | UKGLF | UK Government Licensing Framework |
| OFT | Office of Fair Trading | | |

9. Annex C – List of consultation questions

Below is a list of the consultation questions for the PDC ‘Public Data Corporation: a consultation on data policy’. A response form with these questions is also available [electronically](#). Please provide evidence to support your responses.

Chapter 4 – Charging for PDC information

1. How do you think Government should best balance its objectives around increasing access to data and providing more freely available data for re-use year on year within the constraints of affordability? Please provide evidence to support your answer where possible.
2. Are there particular datasets or information that you believe would create particular economic or social benefits if they were available free for use and re-use? Who would these benefit and how? Please provide evidence to support your answer where possible.
3. What do you think the impacts of the three options would be for you and/or other groups outlined above? Please provide evidence to support your answer where possible.
4. A further variation of any of the options could be to encourage PDC and its constituent parts to make better use of the flexibility to develop commercial data products and services outside of their public task. What do you think the impacts of this might be?
5. Are there any alternative options that might balance Government’s objectives which are not covered here? Please provide details and evidence to support your response where possible.

Chapter 5 – Licensing

6. To what extent do you agree that there should be greater consistency, clarity and simplicity in the licensing regime adopted by a PDC?
7. To what extent do you think each of the options set out would address those issues (or any others)? Please provide evidence to support your comments where possible.
8. What do you think the advantages and disadvantages of each of the options would be? Please provide evidence to support your comments
9. Will the benefits of changing the models from those in use across Government outweigh the impacts of taking out new or replacement licences?

Chapter 6 – Regulatory oversight

10. To what extent is the current regulatory environment appropriate to deliver the vision for a PDC?
11. Are there any additional oversight activities needed to deliver the vision for a PDC and if so what are they?
12. What would be an appropriate timescale for reviewing a PDC or its constituent parts public task(s)?

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