

Transparency Board Minutes

02.03.11

TRANSPARENCY BOARD

Minutes of the meeting held on 2 March at the Cabinet Office:

Present:	Officials:
Francis Maude (Chair)	Katie Davis (Cabinet Office)
Professor Nigel Shadbolt	Cass Chideock (Cabinet Office)
Dr Rufus Pollock	Kate Marshall (Cabinet Office)
Tom Steinberg	Nicola Westmore (Cabinet Office)
Andrew Stott	James Forrester (Cabinet Office)
Lord McNally (MoJ)	Jane Sigley (Ministry of Justice)
Guests:	Richard Stirling (Cabinet Office)
Dr Kieron O'Hara (Southampton University)	Emma Ward, (ShEx)
Stephen Lovegrove (CEO ShEx)	Zoe Hoyal (Secretariat)
Apologies:	Apologies:
Sir Tim Berners-Lee	Rachel Fentem (No 10)
Rohan Silva (No 10)	Bob Gibbons (Cabinet Office)
Laura Trott	

Welcome and Introductions

The note of the previous meeting was agreed. A brief discussion about publication of contracts led to a new action.

Action 1: Representative from Contract Finder to provide a demonstration to the Board.

Due: To be added to the Board forward agenda for May 2011.

TB(5)2 Public Data Corporation discussion

Shareholder Executive (ShEx) CEO provided a verbal update on the project to establish a Public Data Corporation (PDC). ShEx, HM Treasury and the Cabinet Office have been working together over several weeks. This work has led to draft initial recommendations to be presented to the Public Expenditure Committee PEX(A) shortly. A number of significant questions remain open, for example around the regulatory framework and the overall approach towards data policy. The Transparency Board offered to support this work with ShEx, CO and HMT.

The three aims for the Public Data Corporation were outlined:

- 1) Provide a more consistent approach towards access to and accessibility of public sector information, making more data free at the point of use where this is appropriate and consistent with ensuring value for taxpayer's money;
- 2) Create a centre of excellence driving further efficiencies in the public sector; and
- 3) Facilitate or create a vehicle that can attract private investment.

ShEx CEO endorsed the work that the team had been doing to engage with current and potential customers. These were informing the policy development process; ensuring further momentum rather than become 'gold plated'. They were also helping to confirm that the key datasets were being considered. It was noted that the project itself had fostered new ideas for using data.

ShEx CEO confirmed there was consensus among data-holders and users that opportunity existed to streamline access and licensing processes across the PDC piece. The Board agreed this would be welcomed by users, but noted recommendations should be considered as part of wider work on the regulatory framework.

In the general discussion, the implication of change to existing cost structures was discussed. The revenue implications of change to enable the wider development of innovative products and services needed to be balanced against the ongoing costs of collection and maintenance of the underlying data. The Board set out their view that the default position was that information should be available free at the point of use, where possible. This might mean that charging structures are altered, either to 'front-load' costs on those who lodge or amend data (for example for cases where information is being registered) or to spread the cost across different types of customers.

The Board summarised their points as:

- i. The creation of a strong empowered regulator for the PDC was critically important. Getting this right would help ensure that other structures worked effectively.
- ii. They agreed with ShEx CEO that data quality did not need to be 'gold-plated' but that it should be appropriate for the user
- iii. There was a need for a long-term consistent policy framework for data, particularly for the kind considered for PDC.

MCO said that he was keen that the members of the Board were actively involved as the project progressed. MCO also suggested that the PDC Chief Executive group be invited to present to the Board.

Action 2: PDC project team to share the draft recommendations with the Transparency Board.

Due: as soon as possible.

Action 3: Transparency Board members to be actively involved in the PDC ShEx discussions. ShEx to provide a progress report to the Board in due course and to explore the potential for PDC Chief Executive to do the same

Due: Scheduled, at present, for the June/July Board meeting.

TB(5)3.ii Right to data and Freedom of Information presentation and discussion

The Ministry of Justice and Cabinet Office have been working closely together to consider how best to take forward the right to data paper and the post legislative scrutiny (PLS) of the Freedom of Information Act. The paper and PLS can be used together to start the step change that the Transparency agenda demands and embed the culture change.

A joint presentation was given which detailed the information rights legislation landscape in the UK; Transparency achievements to date; an outline of the right to data paper and the plans/process for PLS.

Post Legislative Scrutiny will provide an opportunity to take stock of what the Act has achieved and assess not only whether the FOI Act does what it was intended to do, but also whether the overall objectives are still the same, and if not, what future direction the Government may need to take to achieve them. Work is about to start on the initial stage to prepare the evidence to support PLS by Parliament – this will take a few months to pull together. These documents will then be passed on to a Select Committee (possibly the Justice Select Committee) to undertake the process.

In the near term, a right to data paper provides us with the opportunity to set out a clear vision, and a programme of work to underpin right to data legislation and embed it in the culture of public authorities. Work would commence immediately on drafting the paper - while the Post Legislative Scrutiny process is progressing. This would enable momentum on the Transparency agenda to be maintained.

The Board commented positively on the update. It was noted that a move towards proactive publication, rather than just a response to requests for data, was firmly in line with the aims of the Transparency Board. The Transparency Board could help departments grapple with their data through a review of the use of the “OPSI data unlocking service”.

The Board offered their support in undertaking PLS and MOJ welcomed suggestions from the Board on methodology and approach. They also supported the production and publication of a right to data paper.

Action 4: Transparency Board members to be kept informed of the progress of the right to data paper and post legislative scrutiny processes.

Due: Provide formal updates to the Board at the April and June meetings

TB(5)4 Transparency and Privacy Review

KOH provided the Board with an update on his independent review of transparency and privacy. He had nearly completed the interview phase and had developed some early conclusions:

- There was a need for greater understanding of technical issues in privacy-protection and for a procedure in cases where risk is identified for privacy issues to be assessed.
- Existing and proposed structures such as sector panels and government datalabs will support understanding of threats and public perceptions.
- The Transparency Agenda is valuable to the public, and measures which reduce the focus for the current agenda should not be applied
- If the Transparency programme effects a significant culture change in Whitehall, then the operation of current information control measures in the new paradigm should be kept under review.
- The current regime for identifying harms and applying remedies, based on the ICO rather than the courts or a specially-convened tribunal, should be maintained.

In discussion, it was noted that norms towards privacy have changed over the decades. In 1972 Whitaker’s Almanac published all civil servant names, grades and pay details; and sole traders have sometimes been seen as private individuals and sometimes as businesses (and therefore open to more scrutiny). It is now open to the government to set new paradigms, e.g. government to support the opening of contracts for public scrutiny.

KOH acknowledged that the Transparency Agenda was establishing a new paradigm, and that there would be some ‘stop and flow’ issues as the

paradigm changed. Information collected with an individual's expectation of privacy should be maintained as such. Individual circumstances should not set the general rule, but some consideration of how it was possible to step back from *full* transparency to what is the most *effective* way to achieve the overall aims of the Transparency Agenda.

The public sector would need to ensure that as its approach to data changed, so necessary safeguards did not slip. KOH suggested that one solution might be to bring a privacy 'voice' onto the Transparency Board.

Action 5: Cabinet Office to invite the Information Commissioner to join the Transparency Board to inform discussions.

Due: From May 2011

TB(5)5 data.gov.uk

KD opened the review of progress in developing the data.gov.uk's service. She noted the site was initially designed for the technical audience, but there was now a need to widen its appeal throughout three main user groups:

- 1) The public: the Transparency Agenda has generated an interest but it is still hard to find information and its relevance to people's lives;
- 2) The publishers: to provide better guidance and tools to help them publish more data and at a higher quality;
- 3) The developers: to have more support and guidance alongside better quality data and tools for them to make use of the data.

The data.gov.uk service needs to stimulate these audiences and explain why Transparency matters to them and how they can take advantage of it, which at the moment it doesn't do well. There are lots of potential improvements to the data.gov.uk service but limited resources, so the work should be well focussed and prioritised to best serve the needs of the three user groups. There are questions of degree, such as whether and how frequently government bodies should commission visualisations of datasets they publish, or whether they should wait for third parties to create these.

The Transparency Board agreed that data.gov.uk had been very successful as an incentive to get public sector information out to the public; both as a catalogue and a gold standard, leading to the first official open government datasets.

The Board made the point that it was difficult to address a specific audience as users span the general public to data experts. For example, the data

should not be overly-refined to make it understandable by the general public at the expense of being re-usable, as with data aggregation.

There was some concern that the effort needed to make particular datasets readily understandable to a non-technical person would distract publishers from getting other data out, and that there was a need for selectivity in promoting datasets. The Board highlighted that working with third parties at hack days and similar events would provide many visualisations for less cost and effort than publishers doing them themselves and should be preferred where possible.

The Board agreed that a small steering group to prioritise and make key decisions would be very helpful to the development effort. It was suggested that this group might benefit from having a mix of data users, publishers, and some web design experts.

The Board also sought more visible outputs of the effort in linking the datasets together, so combining cross-departmental data of the same type, or taking both spending and staffing data to build up a broader, more informed dataset.

The Board asked for the proposed roadmap to be updated to reflect these points; in particular, to highlight more strongly the need for greater developer community engagement, through hack days and developer meet-ups, in order to stimulate the ecosystem. They expressed enthusiastic support for improvements to the data.gov.uk service and to be involved in taking this work forward.

Action 6: Katie Davis to present a detailed proposal for a data.gov.uk steering group.

Due: Details to be confirmed by April 2011

Action 7: Transparency Board to feed more detailed comments on the data.gov.uk paper to the author

Due: Comments by 23 March

AOB

Following a brief discussion on communicating Transparency, the following action was agreed.

Action 8: The Transparency team to circulate the Strategic Communications plan and to engage with the Transparency Board on strategic communications.

Due: April 2011