The Transparency Agenda:
A Progress Note and Recommendations
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From: the Independent Members of The Public Sector Transparency Board -Sir Tim Berners-Lee, Dr Rufus Pollock, Professor Nigel Shadbolt and Tom Steinberg

To: Francis Maude, Minister for the Cabinet Office

Purpose

The Public Sector Transparency Board has met twice since it was created in May 2010.

It now seems appropriate that the independent, non-ministerial members of the Board should produce a brief note for Ministers about what progress the civil service is making on the Transparency Agenda, and emphasise what we consider the most important next steps to be.

We should say that we are supportive of and contributed to the "Transparency Framework: A Forward Agenda and Priorities for the next 6 months" that has been developed by the Cabinet Office Transparency and Digital Engagement Team. Our note is intended to reinforce and amplify elements of the Framework.

Leadership

We are pleased to note that political commitment to transparency from Ministers and Special Advisors has remained strong, even as delicate issues arise such as the publication of previously private information about civil servants.

This political leadership is vital, as the public service is asked to behave and adopt norms that are not current custom and practice. A firm, positive and consistent message is very important for realising reform. We should also recognise the efforts of officials to deliver the transparency and open data agenda.

It is also good that the political leadership sees transparency not just for what it has always been -a mechanism for accountability and a democratic right -but also as a process that can help deliver improvements to public sector efficiency, unlock innovation and create wider economic and social value.

Furthermore, the willingness by Ministers to seek legislative change in order enhance existing FoI legislation and to also bring about a meaningful Right to Data are important and positive steps.

Specific Achievements

We note with approval that the Government has:

- Published COINs spending data
- Published Departmental organogram data
- Published Civil Servant and Special advisor salaries
- Successfully persuaded over 90 councils to publish spending data over £500 following advice and guidance from the LGA and Local Public Data Panel
- Published some Departments detailed spending data
- Developed the Open Government Licence to ensure that data released by all public bodies can be easily and freely reused

We note that at the time of writing the data.gov.uk index mentions 4718 datasets. Within this are a number of significant datasets that are 4 or 5 star data (according to our grading system for open data) containing a total of 2.7 billion facts (triples).

Looking forward, we also note that:

- Six IT contracts that would not otherwise have been published have been made public, with more to follow shortly.
- Over 100 Tenders have been added to the BusinessLink website with more to follow.
- More Department spending data is to be published imminently.
- The LGA is working with councils to help them learn how to publish contracts
- Those Local Authorities not yet publishing their data will be doing so from January.
- Steps are underway to publish crime data in more re-usable, granular formats.
- The Government is investigating approaches to handling 'De-anonymisation' problems that can result from data release.

Our Four Key Recommendations For Ministers

The Transparency Agenda is complex and has many facets. It is therefore important for us as the Board to help Ministers to separate the signal from the noise. We have therefore isolated four recommendations which we believe to be paramount as the Government moves beyond the commitments made in the Prime Minister's Letter on Transparency. They are:

1   There must be a fundamental shift in culture toward data being by default public on the web if it would be released were it subject to a FOIA request.
2   Decisions about how the government's trading fund data is priced and licensed must be moved away from the control of the individuals who look after that data on a day-to-day basis.
3   A powerful Right to Data should be introduced that enables innovators and researchers, and people in all walks of life to obtain data that may have great value.
4   Incentives need to be institutionalised to prevent departments and agencies from

ceasing the publication of key datasets in the future, and to encourage them to excel themselves in the provision of data in open formats.

Key Recommendation 1: Public by default

Many data preparation pipelines produce data periodically, and store the result in a protected space. These should be adjusted to store their results in a public space. This need not involve any added complexity. Unless personally indentifiable information or classified information is involved, publication should be the default.

Key Recommendation 2: Control of the Trading Fund Data

We feel that at present there is a fundamentally permanent conflict of interests at the heart of the current Trading Fund regime.

This conflict is that the managers of the key data-producing trading funds have clear incentives to make product, pricing and licensing decisions that favour the short term interests of those public bodies over the interests of the wider government, economy and country.

The motivation is simple -these bodies want to be minimally dependent on central government funding, and they possess data that offers them an easy way to achieve independence: exploit the either monopolistic or market-dominant data they have unique access to. As a consequence they price and license in the way that economic theory dictates they will, consuming large amounts of the 'consumer surplus', and reducing the efficiency of companies in the wider economy. In turn this reduces competition and innovation in the private sector, and ultimately reduces tax revenues.

There is a way round this problem: to move the key decisions about products, pricing and licensing to decision makers who's interests are aligned with those of the wider government, economy and country.

To be clear, we are not suggesting that the decisions around pricing should all be moved to individuals who will then automatically recommend that all the data is made freely available. We are recommending that the decisions should be taken by individuals who are in a position to weigh up the costs and benefits of different models, who can listen to all the voices that have a position on the issue, and whose principal motivation is picking the most appropriate balance for the overall benefit of the UK.

We strongly encourage Ministers to put this separation of powers at the heart of the formation of any Public Data Corporation.

Key Recommendation 3: The Right To Data

We are pleased to note that the Business Plan for the Cabinet Office now makes an explicit goal to "Introduce legislative amendments to Freedom of Information Act to strengthen "right to data""

We believe it is important to focus on a rights based approach to releasing data because recent history suggests that great value often lies in datasets that are potentially obscure and unfashionable, and where their reputation for being uninteresting may make public bodies loath to spend time or money to make them available (imagine the baffled reaction you would have received, for example, if you had asked for a copy of every UK postcode, in 1980).

We encourage the Government to publish a Green Paper on the likely content of a Right to Data soon, in order to encourage debate about how to implement it most successfully.

If the public does not know what data government actually holds they do not know what they might ask for through the "Right to Data". So we need to maintain reliable inventories of what data government actually holds.

Key Recommendation 4: Ensuring ongoing publication via data.gov.uk using open standards

Some of the most important government datasets such as GDP or unemployment figures only have value because they are published consistently and regularly, allowing for meaningful and timely analysis.

We are concerned that some of the key datasets being made available for the first time under the transparency agenda may not be published so consistently over time.

Whilst it may seem somewhat premature to worry about this problem when many of the new datasets are only just being released now, we saw Rob McKinnon's analysis of departmental failures to publish ministerial meeting and hospitality[1] as a salutary warning about what can happen if new data-publication practices are not sufficiently embedded in civil services processes.

We need to ensure that the Public Data Principles that we have developed become normal behaviour. Then we can hope to see a sustained open data publication culture. As part of this it is vital that this publication conforms to the precepts of data.gov.uk -in particular the adoption of open data standards with the aim of producing linked data. We will need to support and disseminate this capability within Government Departments. We need to support the continued development of data.gov.uk as a single online point of access for all UK public service datasets -and to be vigilant about duplicate initiatives planned in individual sectors or agencies. Specific efforts recommended at this time is:

[1] http://blog.whoslobbying.com/post/1298451625/less-transparency

- To disseminate knowledge about how to use these best practices.
- To coordinate between the various groups deploying linked open data
- To investigate where lack of interoperability nationally or internationally is reducing opportunity and/or raising costs, and to work toward new common standards in those ares

We therefore urge Ministers to consider what steps they can take to ensure that important data such as spending, contracts and staffing are published regularly, in a timely fashion, and in appropriate formats. In particular, we encourage ministers to consider what options they have to ensure that they do not directly have to chase progress every time a publication is due.

Other Recommendations

We would also like to note the following:
- The next phase of Organogram information on civil service structures, staff names, positions and salaries needs to be published in a substantially improved, machine readable format.
- In order to create greater accountability, we feel it would be advisable to publish the names and job titles of civil servants at SCS Payband 1 or 1A.
- We encourage CLG ministers to mandate that councils publish spending data including company VAT numbers, and internal IDs for those companies.
- We encourage Government to develop a URI (a common unique Web identifier) for each supplier across government.
- We encourage Government to develop a URI for each civil service post.
- We encourage ministers to release the Inter-departmental business register.
- We encourage DfT ministers to release regular snapshots of the data that powers TransportDirect and Traveline, and then proceed to make the release of timetable and realtime location data a condition of all future bus and train franchises operating anywhere in the UK.
- We need a to ensure that transparency principles are extended to those who operate public services on a franchised, regulated or subsidised basis.
- Now that there are people using the data it will be important to involve them in determining how the data can be improved.
- Further engage with the communities of developers and "information entrepreneurs" to ensure applications and value flows from the data released.
- Working with the Local Public Data Panel ensure that the principles of transparency and open data become embodied in local organisations too.

Conclusions

The Government has been helping the Civil Service through a rapid leaning process over the last six months. We encourage ministers to persist, to be pleased with what has been achieved so far, but to realise that without structural changes to both the Trading Funds and the FOI Act,

without embedding the Public Data Principles in official behaviour, without sustained support for the precepts of data .gov.uk and continued community engagement much of what has been achieved could stall.