



OPSI

Office of Public Sector Information

Part of The National Archives

The United Kingdom Report
on the

Re-use of Public Sector Information 2008

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PSI

POTENTIAL



The United Kingdom Report
on the
**Re-use of Public Sector Information
2008**

*Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty*

July 2008

This report can also be accessed on the Office of Public Sector Information website at: <http://www.opsi.gov.uk/advice/psi-regulations/uk-report-reuse-psi-2008.pdf>

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Foreword



Public Sector Information: the right direction

Information is the infrastructure of our society. It is the lifeblood of any democracy. It goes right to the heart of the relationship between government and the citizen.

The web has changed the way we think about information. It has also changed our thinking in terms of how we access information and the ways in which we can re-use information. Information is a vital asset in the digital age, in much the same way as iron and coal were regarded as vital resources to previous generations.

Public sector information is a key resource. It has been estimated that 25% of commercial information products and services in Europe are based on public sector information. If we can remove the barriers to re-use, if we can streamline and simplify the processes, the potential prizes for the economies of Europe are enormous.

This is not just about economic benefits, however. The PSI agenda is pivotal to how the government interacts with the people it serves. The growth of web based technologies has extended the boundaries significantly in terms of providing new and exciting platforms for delivering information. This includes the development of web channels, blogs and data mashing. The possibilities are endless.

I am tremendously encouraged by the progress that has been achieved so far. We are already beginning to see many new, exciting and innovative services based on PSI. I know that there are hurdles to clear, but this Government is committed to building on and achieving the PSI vision set out in this Report.

A handwritten signature in black ink that reads "Michael Wills". The signature is written in a cursive, slightly slanted style.

Michael Wills
Minister for Information
Ministry of Justice
9 July 2008

Executive Summary

This time last year OPSI produced a report¹ marking the first two years of operation of the UK regime for public sector information (PSI) and tracking progress made to date. As with the first report, OPSI's aim was to ensure that the legislation that underpinned the various UK tools and initiatives to deliver PSI services "is recognised, understood and put into practice". How far that has been achieved and the challenges that lie ahead are set out in this Report.

The UK has a mature understanding of how OPSI embedded the European Directive on the Re-use of PSI and the implemented Re-use of PSI Regulations in its PSI approach. The Timeline re-produced at pages 36-39 is designed to track how selected key actions, events and factors, internal and external to government, have influenced and shaped the current state of play. It is a visual representation of the journey so far and how once parallel policy activity and initiatives are now linked.

In the UK, the story of moving to a far more enabling approach for PSI re-use starts in 2001. OPSI has been able to benefit from longer experience, compared to other member states, in experimenting and innovating in this space.

In the past year the reports and initiatives, such as the Power of Information Review and the Commercial Use of Public Information study, that were referenced in last year's report have become active drivers of ideas and change. This month saw the launch of a new online service, to gather and assess requests for PSI in more re-usable forms. As the regulator for PSI re-use, OPSI understands that people can encounter problems getting hold of the information they need in the formats they want. This service is designed to help unlock these information assets. This and other developments are charted in the report to demonstrate where PSI sits in the UK.

¹ The United Kingdom Implementation of the European Directive on the Re-use of Public Sector Information: <http://www.opsi.gov.uk/advice/psi-regulations/uk-implementation-first-years.pdf>

The structure of this Report reflects the work at European Union (EU) level and so, OPSI has grouped the coverage around the key themes under review by the European Commission (EC) as it assesses the first three years of operation of the Directive. The UK emerges well in its direction of travel. There is still a lot to deliver to meet expectations and see the benefits that accrue to the economy and society for us all from the largest creator of information in the UK. PSI spans everything from legislation, house prices, timetables to mapping and school statistics. To give a sense of pace, at the same time the UK implemented the Directive in 2005, the term Web 2.0 was just being invented. As this information is searched and found more easily than ever before through search engines, social networking sites and wikis; more people are using PSI and are hungry for greater re-use. The initiatives and reviews and assessments that are drawn together here demonstrate OPSI's commitment to keeping up momentum and building on the base they have achieved.

When OPSI started out in 2005 the focus concentrated on the value and benefits of PSI in encouraging a thriving information economy. This is now complemented by the engagement of communities and citizens to shape solutions. It recognises that the public sector does not have a monopoly on ideas for making the most of information and how the user wants to receive access and use it. There has never been a more important or exciting time for PSI re-use.

Carol Tullo
Director
Office of Public Sector Information
July 2008

Unlocking the potential of public sector information at www.opsi.gov.uk

1. The Office of Public Sector Information

- 1.1 OPSI is at the heart of information policy, setting standards, delivering access and encouraging the re-use of public sector information across the UK. Operating from within The National Archives, it provides a wide range of services to the public, information industry, government and the wider public sector relating to finding, using, sharing and trading in information.
- 1.2 OPSI's main PSI responsibilities are:
 - to deliver the policy lead on the re-use of PSI across the UK
 - as a regulator to promote high standards of information trading across the public sector under the Information Fair Trader Scheme (IFTS) and investigate complaints under the Re-use of Public Sector Information Regulations
 - to license, advise and manage the re-use of Crown and Parliamentary copyright material through the Click-Use Licence
 - to develop innovative technological solutions and models that support emerging information policy.

PSI Finances

- 1.3 The table overleaf shows the cost of operating the PSI activity outlined in this Report during the financial year 2007/08. OPSI also provides services outside the scope of the responsibilities shown above (e.g. the provision of legislation services across Government), which share common day-to-day operational costs. The costs below therefore include both direct costs in providing PSI services and a share of other costs that have been arrived at through a method of apportionment, reflecting the elements that would be reasonable to apply to the OPSI activities in meeting its responsibilities. These figures do not include the costs of the Advisory Panel on Public Sector Information (APPSI), which were £107,100 in 2007/08.²

² Advisory Panel on Public Sector Information Annual Report 2007 page 12:
<http://www.appsi.gov.uk/reports/annual-report-2007.pdf>

	Note	£	£
Costs:			
Salary	1	725,960	
Property and Infrastructure	2	233,700	
Other Running	3	186,855	
Total Costs			1,146,515
Income:			
Royalties	4	(100,000)	
Admin Charges	5	(6,000)	
Total Income			(106,000)
Total Net Costs			1,040,515

Note:

- 1) Based on direct costs of PSI teams and apportioned costs of support teams
- 2) Based on staff apportionment of PSI activity
- 3) Based on direct cost and staff apportionment of PSI activity
- 4) Licensing income received from third parties from commercial use of Crown copyright
- 5) Charges made to Other Government Departments for collection and distribution to them of PSI royalty income.

1.4 Information underpins the business of government. As the central PSI voice and lead for the UK, OPSI collaborates across departmental and national boundaries to ensure that PSI issues are reflected in all related activity that touches on this information arena. A vibrant and challenging information industry demands sound and coherent solutions; users want common sense approaches and fairness. OPSI is the route through which these issues are channeled. The website³ is key to the PSI services, primary content and guidance that the UK government provides.

³ The Office of Public Sector Information: <http://www.opsi.gov.uk/>. During October – December 2007, the OPSI website was ranked in the Top Ten by visits among all UK websites in the Hitwise Government – Central industry. The Hitwise Top 10 Awards recognise websites from over 160 industries that are leaders in their industry.

2. The European Context

- 2.1 Under the European Directive on the Re-use of PSI, member states were required to introduce laws, regulations and administrative provisions to implement the Directive by 1 July 2005. The UK was one of eight member states to implement the Directive by the due date through the Re-Use of Public Sector Regulations 2005 (S.I. 2005 No. 1515). All member states had completed transposition by May 2008.
- 2.2 The EC made a commitment to carry out a review of the application of the Directive and its impact across Europe after three years of operation. The Commission aims to complete this formal review during the autumn of 2008. The UK Report on the Re-use of Public Sector Information feeds into this process summarising progress in the UK and the challenges ahead.
- 2.3 A number of key initiatives commissioned by the EC will feed into the review process. These include:
- a public consultation in the form of a questionnaire to gather information from member states on their views on different aspects related to the implementation, impact and scope of the Directive⁴
 - an assessment study undertaken by MICUS Management Consulting on the impact of the PSI Directive in the three sectors of geographical, meteorological and legal information⁵ and
 - the recommendations of the ePSIplus project.⁶
- 2.4 OPSI is coordinating a formal response on behalf of the UK government to the consultation. This will be published on the OPSI website.⁷ The

4 European Commission Public Consultation: http://ec.europa.eu/information_society/policy/psi/index_en.htm

5 MICUS Consultation: http://www.epsplus.net/news/european_psi_survey_underway

6 ePSIplus recommendations: http://www.epsplus.net/news/news_highlights/epsplus_publishes_recommendations_to_the_ec_s_2008_review_of_the_psi_re_use_directive

7 The Office of Public Sector Information: <http://www.opsi.gov.uk/>

Advisory Panel on Public Sector Information's (APPSI) independent assessment and its views on the impact and success of the legislation on the re-use of PSI will also inform the EC.⁸

ePSIplus

- 2.5 The ePSIplus project is a Thematic Network, funded under the eContentplus programme, to support the implementation of the Directive in the period leading up to the Commission's review and works closely with the Commission in this area. OPSI has close contact with, and is, involved in the ePSIplus project.
- 2.6 ePSIplus monitors and reports on the developments on the transposition of the Directive since 2006 and a series of thematic meetings and conferences have been held across Europe which focus on five major themes:
- law and regulation
 - public sector culture
 - PSI re-use business
 - financial impact, and
 - information management, standards and data quality.
- 2.7 Details about the topics under each theme are published on the ePSIplus website.⁹ Given the importance of these five themes that have created the structure for discussion and debate in the last two years, this report charts the progress OPSI has made under these headings.
- 2.8 OPSI continues to play an active role in the ePSIplus thematic meetings and conferences. OPSI hosted a thematic meeting, in central London in 2007, on the subject of PSI pricing and its financial impact. Michael Wills, Minister for Information, gave a keynote speech, which emphasised the UK commitment to the PSI agenda.¹⁰

ePSIplus Scorecard

- 2.9 The ePSIplus Scorecard, published on the ePSIplus website, measures the transposition progress of the Directive throughout Europe. It sets the benchmark for the level of compliance with the main provisions of the Directive in each of the member states supported by an evidence-based approach. At present, the Scorecard assesses the impact of the Directive in member states in the context of the legal framework on a number of levels. This consideration of the key thematic area of law and regulation precedes further evaluation of other thematic areas

8 <http://www.appsi.gov.uk>

9 ePSIplus website: <http://www.epsiplus.net/>

10 Minister opens PSI Pricing meeting: http://www.epsiplus.net/news/minister_opens_psi_pricing_meeting

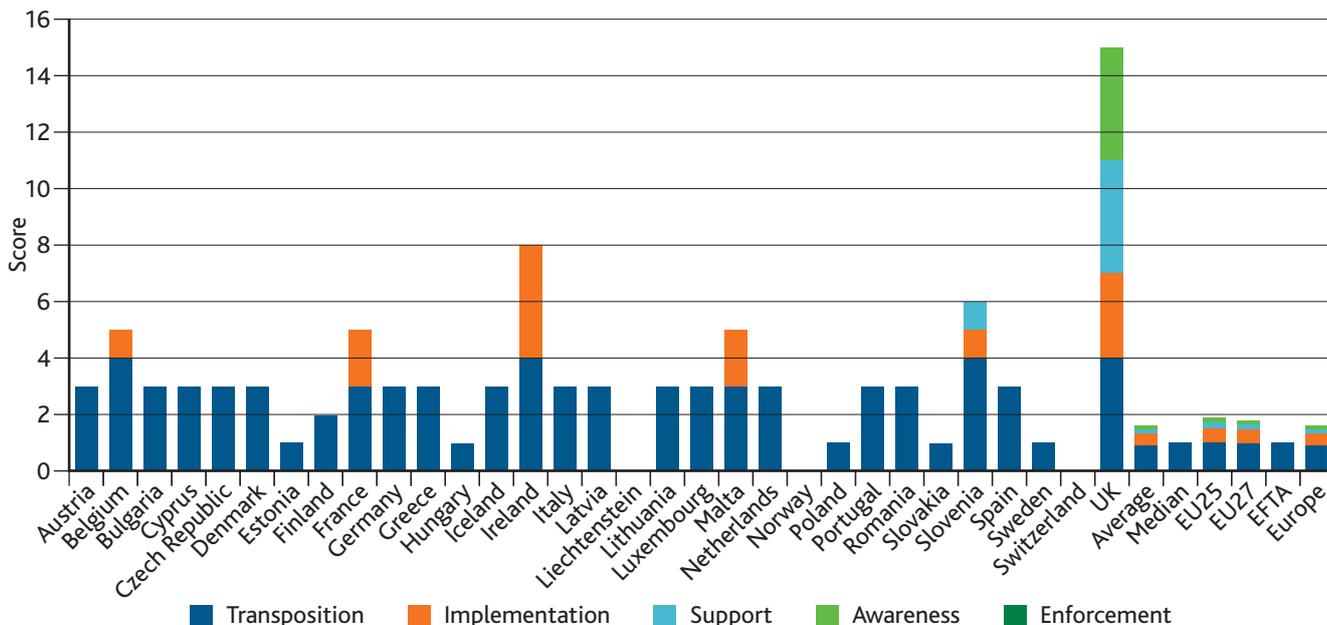
central to the ePSIplus project, which will be added to the Scorecard results over the coming months.

2.10 The UK currently holds a significant lead on the Scorecard with 15 points out of a total 20 to date standing well above the average score of 3.2 across all member states. Notably, marks gained in areas such as the transposition and implementation of the Directive, as well as in providing support and guidance, and raising awareness, signify the UK and OPSI leading the way in PSI, both on a national level and across Europe. OPSI's contribution and involvement has been seminal to these achievements; the consolidation of its influence and activities in information management and policy and the initiatives taken forward to date are reflected in this report.

2.11 The Scorecard highlights the positive progress made by OPSI to promote the PSI agenda and the spirit of the Directive throughout the UK. More importantly, however, the Scorecard also acts as an indicator of the challenges ahead in ensuring and encouraging further compliance with the spirit and intentions of the Directive. It identifies areas where OPSI could be doing more to realise the potential of PSI envisaged in the Directive. In particular, the ePSIplus scores for the UK show the need for further awareness, advocacy and clarification of the Directive and PSI re-use and for the enforcement of decisions made arising from PSI complaints, appeals and competition issues.

2.12 The Scorecard as it stands at the date of this report is depicted below.

ePSIplus Scorecard Theme 1 as at 13 June 2008



© copyright ePSIplus

3. Law and Regulation

Scope

3.1 This chapter explores the issues that surround the law and regulation of PSI and covers the following the topics:

- status of transposition
- links between access and re-use
- links with other European legislation
- practical issues including licence models, asset lists and transparency of terms
- Intellectual Property Rights and copyright issues
- dispute mechanisms
- the approach regarding exclusivity
- assessing the potential extension of the scope of the Directive to cover documents held by cultural, education and scientific research sectors.

Status of transposition

3.2 OPSI is confident that the UK has transposed the provision of the Directive fully and faithfully. Unlike other member states, which have added re-use conditions on to existing access legislation, the UK introduced regulations which specifically deal with re-use. In doing so, the UK has emphasised the distinction between access and re-use (see 3.4).

3.3 The Directive established a minimum requirement on re-use. The UK has gone significantly beyond these minimum requirements in areas such as complaints handling. Underpinning the complaints process are statutory roles for OPSI and APPSI (see 3.16).

Links between access and re-use

- 3.4 The PSI Regulations are not intended to duplicate rights of access under access legislation¹¹ or to make such legislation redundant. Statutory provisions for access and re-use complement each other but are separate and distinct.
- 3.5 In keeping with the Directive, re-use is based on the principle that a document can only be re-used if it is accessible under existing access legislation or it is made available, for example, through a website. It follows that if information is not accessible it cannot be re-used.
- 3.6 Issues can arise as to the distinction between access and re-use. The challenge for OPSI is to ensure that its guidance explains the interface and supports the efforts of public authorities and members of the public to apply the legislation, and that its procedures for handling complaints recognise the responsibilities of the various regulatory bodies. For this reason OPSI has established protocols with the Office of Information Commissioner¹² and the Office of the Scottish Information Commissioner¹³ so that these issues can be discussed and any issues that arise can be resolved.

Links with other European legislation

- 3.7 A key area of PSI is that of geographical and spatial information. In 2007, the EU approved a Directive to encourage the creation of an Infrastructure for Spatial Information in Europe (INSPIRE). The INSPIRE Directive must be implemented by member states by May 2009.
- 3.8 INSPIRE covers information about mapping of the land and sea, the weather, geology, the environment, population, housing and public utility services. The purpose of the INSPIRE Directive is to ensure that private and public sector bodies and citizens across Europe can gain access to this information, can study it, and where appropriate can use it to develop new services and new information resources.

11 Access legislation comprises the Freedom of Information Act 2000: http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000036_en_1, the Freedom of Information (Scotland) Act 2002: http://www.oqps.gov.uk/legislation/acts/acts2002/asp_20020013_en_1, the Environmental Information Regulations 2004: <http://www.opsi.gov.uk/si/si2004/20043391.htm> and the Environmental Information (Scotland) Regulations 2004: http://www.oqps.gov.uk/legislation/ssi/ssi2004/ssi_20040520_en_1.

12 Protocol with the Office of the Information Commissioner: <http://www.opsi.gov.uk/advice/psi-regulations/disputes-resolution/opsi-ico-protocol.pdf>

13 Protocol with the Scottish Information Commissioner: <http://www.opsi.gov.uk/advice/psi-regulations/disputes-resolution/opsi-sic-protocol-2005-08.pdf>

- 3.9 The policy responsibility for implementing INSPIRE rests with the Department for Environment, Food and Rural Affairs (Defra). As OPSI has policy responsibility for the re-use of information, it is working closely with Defra to implement the INSPIRE Directive. The priority for OPSI, therefore, is to ensure that there are appropriate mechanisms in place so that re-use within the PSI Regulations is also consistent with INSPIRE.

Practical issues including licence models, asset lists and transparency of terms

- 3.10 OPSI has in place a range of mechanisms that facilitate re-use including the Click-Use Licence, the Information Fair Trader Scheme (IFTS) and Information Asset Registers. These initiatives have been developed to encourage PSI re-use. They are further explored in Chapters 5 and 7.

Intellectual Property Rights and copyright issues

- 3.11 The PSI Regulations do not apply to documents if a third party owns the intellectual property rights (IPR) in them. Most information will be covered by copyright and/or database rights.
- 3.12 A public sector body is only able to authorise the re-use of documents where it has the legal right to do so. This would cover the following circumstances:
- where the public sector body owns the copyright/database right in the document because it has created the document
 - where the legal owner has assigned ownership of the copyright/database right to the public sector body
 - where the public sector body has been granted the right, in the form of a licence, to re-use and allow others to re-use the documents or part of the document.
- 3.13 To clarify the position from a UK perspective, guidance documents will be issued which explain that the scope should cover not only documents in which the public sector body owns the IPR but also where the public sector body has acquired the authority to allow re-use through a licence.
- 3.14 OPSI is amending the guidance to make it clear that the existence of third party copyright in the material, as part of a document or a database, does not stop the public sector body from authorising the re-use of those elements where the public sector body owns or controls the rights.

Automated Content Access Protocol (ACAP)

- 3.15 Until recently there has been no simple way of identifying material that contains third party rights on a web page in a format that machines

as well as people can understand. This remains a concern particularly to the publishing industry. OPSI has been a member, supporter and contributor to an initiative led by the European publishing industry, to create an open standard for such rights expression. This is called ACAP. The primary interest for publishers is identifying their rights for commercial reasons (for example in an image embedded in a web page), however, OPSI's interest stems from the need to identify third party rights on government websites. This ensures it is possible to distinguish between information in which the copyright is owned by the public sector and other information where the copyright is held by the third party which may or may not be licensed to the public sector.

Dispute mechanisms

Statutory complaints process

- 3.16 The PSI Regulations contain a statutory complaints process with specified roles for OPSI and APPSI. OPSI has a responsibility for investigating complaints under the PSI Regulations underpinned by a review role provided by APPSI. OPSI has investigated three formal complaints to date, which led to improved service delivery from the public sector bodies concerned.
- 3.17 Following the first two years of complaints activity, both OPSI and APPSI undertook fundamental reviews of their complaints procedures. OPSI's revised procedures are published on the OPSI website¹⁴ whilst APPSI is continuing its review with their revised complaints procedures to be published in July 2008.¹⁵ OPSI also took into account the Office of Fair Trading's (OFT) recommendation in the Commercial Use of Public Information¹⁶ (CUPI) report to strengthen the complaints procedures in relation to the removal of a delegation of authority following failure by the organisation to implement recommendations.
- 3.18 OPSI presents at seminars and meetings of key bodies to define and promote its role in disputes resolution. This includes presenting at Locus Association¹⁷ meetings and at a number of ePSIplus meetings and conferences. OPSI has been involved in a number of discussions with potential complainants but these have not materialised into formal complaints. OPSI continues to raise the profile of its disputes resolution services in the belief that complaints are an essential ingredient in driving up standards and compliance.

14 OPSI's revised complaints procedures: <http://www.opsi.gov.uk/ifts/ifts-complaints-procedure.htm>

15 APPSI's complaints procedures: <http://www.appsi.gov.uk/complaints-resolution/psi-complaints-procedure.pdf>

16 OFT Commercial Use of Public Information: http://www.offt.gov.uk/shared_offt/reports/consumer_protection/oft861.pdf

17 The Locus Association is a group of private sector companies advocating the development of the PSI market: <http://www.locusassociation.co.uk/index.php>

Mediation

- 3.19 Recognising that bringing a complaint is not always the best way to resolve issues, OPSI has been developing a mediation service since 2005. The service was formally relaunched in April 2008 and OPSI now has five accredited mediators who have been trained by the Centre for Effective Disputes Resolution (CEDR), an internationally recognised standard of excellence in mediation.¹⁸
- 3.20 OPSI has long been involved in developing solutions to issues around licensing and re-use. However, since receiving accreditation through CEDR, OPSI has reinforced its role and status with a professional mediation service. The service supports OPSI's role in investigating complaints made under the PSI Regulations.
- 3.21 Mediation is an informal process that enables people or organisations to work together to find their own solution to disputes. The mediator acts as a neutral figure assisting the two sides to negotiate and overcome conflict. The advantages of mediation over a more formal complaints process are that it can first, help develop creative solutions to problems and secondly, the process is faster and more cost effective than litigation.
- 3.22 Mediation is promoted through the OPSI website¹⁹ and offers a flexible two-stage process that ensures the dispute can be explored in a safe, confidential environment.
- 3.23 Since April 2008, OPSI has conducted three mediations. The mediations covered a range of topics, including the scope of a government department's public task; whether derivative titles should be labelled as official; whether commissioned work should be Crown copyright; and disputes relating to specific licensing terms and conditions.

The approach regarding exclusivity

- 3.24 Given the emphasis of the Directive on non-discrimination, non-exclusive licensing should be the norm. Granting an exclusive licence to one information provider or re-user is an obstacle to re-use.
- 3.25 There are exceptional circumstances under which exclusive rights can be permitted such as when it is necessary for the provision of a service that is in the public interest. For example, if no publisher was prepared to publish on a non-exclusive basis after a tender process to identify a commercial organisation to publish information was completed, the public sector body may be justified in granting exclusive terms to ensure the service was provided in the interest of the public. This would however, presuppose that the public sector was unable to publish the material itself, for example, on its own website.

¹⁸ Centre for Effective Disputes Resolution: <http://www.cedr.co.uk/>

¹⁹ OPSI Mediation Service: <http://www.opsi.gov.uk/ifts/ifts-mediation.htm>

3.26 Under the Directive, all public sector bodies are required to:

- publish a list of any exclusive rights granted
- review the validity for the grant of exclusivity every three years
- terminate any exclusive deals that had been granted before the PSI Regulations came into force on 1 July 2005 either at the earliest date allowed for in the contract/licence or by 31 December 2008.

3.27 OPSI has published a list of existing exclusive licences it is party to on its website.²⁰ Further action to alert public sector bodies and identify and phase out such arrangements by the deadline is a priority.

3.28 Exclusive licensing allows the copyright holder to grant a person or organisation the sole right to be able to publish and/or re-use copyright protected material. The result is that by granting the exclusive right, all other persons and organisations, including the public sector body that owns the copyright in the material, are excluded from being able to re-use the material without obtaining the exclusive licensee's permission.

The possibility of extending the scope of the Directive to cover documents held by cultural, education and scientific research sectors

3.29 Information held by organisations such as museums, libraries, archives, cultural and educational establishments, public sector broadcasters and scientific organisations are currently exempt under the PSI Regulations. These organisations are excluded as many are holders of third party copyright material or may operate in highly commercial environments, such as public sector broadcasters. This remains the situation in 2008. The UK's position is that any proposal to remove the exclusion would require specific and considered justification and a detailed assessment of the effect that it would have on the sectors concerned.

²⁰ List of Exclusive Licences on OPSI website: <http://www.opsi.gov.uk/advice/crown-copyright/exclusive-licensing-arrangements.pdf>

4. Public Sector Culture

Scope

4.1 Under this chapter the following topics will be explored

- improving standards and compliance
- local government and health service engagement
- links with public-private partnerships
- harnessing technology
- spreading awareness.

Improving standards and compliance



Expansion of the Information Fair Trader Scheme (IFTS)

- 4.2 IFTS has proved a key driver in raising standards in information trading across the public sector. Through IFTS, OPSI ensures that the principles of openness, fairness and transparency are met. IFTS was originally targeted at major information traders within government, particularly Trading Funds such as Ordnance Survey, the Met Office and the UK Hydrographic Office.
- 4.3 OPSI is continuously striving to improve its systems and initiatives, an important element therefore, is obtaining customer feedback on how IFTS can be improved and developed. A prime focus for OPSI is making the Scheme more robust in order to ensure the spread of good practice and meet customer needs. OPSI is working closely with the audit bodies to collaborate on sharing good practice and expertise.

- 4.4 In the light of the success of IFTS, the membership has now been extended to cover other public sector bodies including local authorities. Some of the organisations due to sign up to IFTS during the current year include Companies House, the Coal Authority, the NHS Information Centre, the Health and Safety Laboratory and the Land and Property Services of Northern Ireland.
- 4.5 IFTS has proved to be a catalyst for information traders reviewing and improving their information management.

"Accreditation to IFTS has led to a much greater level of consistency and transparency in designing and interpreting the licensing arrangements for data and information in DVLA. The process has the added value of considerably raising the profile and importance of Crown Copyright."

Driver and Vehicle Licensing Agency



Observations from Ordnance Survey on IFTS

Benefit of accreditation process

Ordnance Survey values the contribution that the rigorous IFTS external audit process brings in allowing us to regularly hold up a mirror to ourselves in terms of our day to day trading practices. It allows us to take stock of our compliance with each of the Principles of IFTS giving us the confidence that we continually meet rising stakeholder expectations. IFTS challenges us to ensure our policies for licensing and providing access to our information are in accordance with the principles of openness, fairness and transparency. The IFTS logo on our corporate stationery and web-presence reassures our customers, while the accreditation process reinforces our responsibilities under PSI. Our experience of the accreditation process is that it has been carried out by OPSI with rigour and professionalism. The embedding of IFTS Principles into our operations helps cement existing relationships and develop new ones with our commercial partners.

Spreading best practice

Ordnance Survey is a keen supporter of and active participant in the Licensing Forum.

Relationship with OPSI

Alongside the formal accreditation process and the work of the Licensing Forum, we meet OPSI regularly to discuss issues of common interest and develop ideas on licensing. We find this developing relationship helpful and beneficial.

Licensing

IFTS recommendations have led to significant changes that have a positive impact for our PSI re-users, some examples of this are:

- new terms for sub-licensing;
- development of a new archive licence;
- introduction of key performance indicators for time taken to establish new contracts;
- update of website to make the relationship between standard licences clearer;
- clear link to complaints procedure on Ordnance Survey website;
- clear reference to OPSI and its work on Ordnance Survey website.

Re-accreditation

We are proud that our continuing efforts to meet the needs of our customers and stakeholders have helped us this year to achieve unconditional re-accreditation to IFTS for two further years.

Logo used with permission.

"The verifications and regular meetings with OPSI, resulting from UKHO's membership of the IFTS scheme, offer valuable and constructive independent advice, which helps us to maintain our focus on the breadth of requirements in licensing our data. We find them very useful in a variety of ways, including the networking aspect that allows the Trading Funds to share ideas and best practice."

UK Hydrographic Office



IFTS Online

- 4.6 Not all public sector bodies are major public information traders. Accordingly, OPSI has developed an online self-assessment version of IFTS, branded as IFTS Online,²¹ to cover such organisations. It is particularly tailored to help organisations such as local authorities and the health sector.
- 4.7 IFTS Online is an assessment process, which gives an accurate and wide ranging perspective on the effectiveness of public sector bodies in managing the re-use of their information and allows them to demonstrate the fulfilment of their legal responsibilities under the PSI Regulations.

²¹ IFTS: <http://www.opsi.gov.uk/ifts/index.htm>

- 4.8 The assessment process takes the form of a questionnaire that focuses on the following issues:
- what information is available for re-use
 - clear and transparent terms of re-use, including any charges
 - inclusion of copyright and other notices in publications and on websites
 - staff awareness and guidance
 - details of how to complain if a re-user is dissatisfied.
- 4.9 On completion of the questionnaire OPSI responds by producing a tailored report providing feedback, advice and recommendations. Depending on the response, the organisation is either granted accreditation as a member of IFTS Online or is informed as to how it can reach the required standard through guidance and assistance.

Worcestershire County Council

At present, the re-use agenda is at an embryonic state in local government. There have been some developments as applicants become more aware of the uses of the information they hold (especially for property searches), but freedom of information responsibilities have had greater priority.

Activity is growing. OPSI has worked alongside Worcestershire County Council to ensure that sufficient policies are in place, well in advance. After a series of discussions, a consultant for Worcestershire County Council built on some existing work and established a robust and comprehensive series of policies on re-use. These are also readily available for potential applicants via the Worcestershire Hub website and contain information on exemptions, charges incurred and the complaints procedure. The Council has also found that the staff training and awareness on the PSI Regulations can be combined with the work on freedom of information, provided that the differentiation between the two separate strands is made clear.

"As a small trading fund, we have found the visits of OPSI Standards Officers extremely helpful in raising our awareness of the issues and implications of the Re-use of Public Sector Information Regulations and we regard our accreditation to the Information Fair Trader Scheme as a quality mark for our organisation. The meetings of the Licensing Forum have been invaluable in providing us with a network of PSI holders to consult and also help to keep our organisation up-to-date with current standards and the way in which others are making their information available for re-use."

Fire Service College

Sample Page of the Worcestershire County Council IFTS Report



IFTS online assessed report
Application 21 April 2008

**Organisation: Worcestershire
County Council**



Date assessment taken: 20 March 2008

Overall Assessment:

You are complying with the PSI Regulations and IFTS Online by:

- Having created and maintained a publication scheme, which can act as the basis for an information asset register
- Providing a clear list of reasons why information may not be available for re-use
- Treating potential applicants in a fair and equitable manner
- Producing clear copyright notices, providing accurate and detailed information
- Linking this to the organisation's re-use policy
- Giving access to information regarding the charging regime for re-use
- Issuing standard terms and conditions to applicants and allowing online access to these documents
- Putting in place a training programme for those involved in re-use applications, and disseminating this information across the organisation
- Publishing a detailed statement on the complaints process open to dissatisfied applicants.

However, further improvements could be made by:

- Adding detail to the publication scheme so that it can be used as an information asset register to facilitate access for applicants
- Reducing the number of exceptions, for example by merging some, to avoid placing deterrents in the path of potential applicants
- Signposting the organisation's copyright statement on the home page.

The Licensing Forum

4.10 OPSI introduced the Licensing Forum in 2004 to bring together licensing practitioners across government. Since then the Licensing Forum has gone from strength to strength.

4.11 The Forum provides an opportunity for members to share best practice and problems and to discuss developments in information policy. The aims of the Licensing Forum are to:

- improve licensing systems and processes
- ensure greater consistency in licensing and information policy across government
- increase transparency of licensing and information policy both internally and externally
- encourage a greater awareness of emerging information policy across government and
- promote good customer service and responsiveness to customer requirements.

4.12 A wide range of issues are discussed and debated. Recent issues include the Power of Information Review,²² environmental research conducted by the Avoiding Mass Extinction Events (AMEE) project and the licensing of material by IFTS members. Speakers have included Tom Steinberg (co-author with Ed Mayo, of the Power of Information Review), Chris Corbin, ePSIplus analyst, and key officials from the Ministry of Justice, who examined the future of government communications in the age of social media and Web 2.0.

4.13 Delegates are also drawn from a wide range of government departments, including Trading Funds, making the Forum a valuable tool in the dissemination of crucial developments in PSI re-use. The meetings are well attended with representation from a diverse range of organisations ensuring a Forum that has impact. The hosts are usually creators and licensors of PSI and the co-operation in hosting and organising Licensing Forums is an example of the strong working relationships between OPSI and partner organisations. The Licensing Forum meets quarterly, ensuring that momentum is sustained and that networks are maintained between OPSI and those who create and license PSI.

"The Licensing Forum has proved to be an integral part of the benchmarking process for IFTS implementation teams, as the Forum provides excellent networking opportunities. Additionally the Forum gives access to relevant information on new issues in legislation or consumer perspective."

Driver and Vehicle Licensing Agency

²² The Power of Information Review: http://www.cabinetoffice.gov.uk/~/-/media/assets/www.cabinetoffice.gov.uk/strategy/power_information%20pdf.ashx



Innovation in Licensing and the Progress of the Information Fair Trader Scheme

The Driving Standards Agency (DSA) has been a member of IFTS since 2004, and will be re-verified for the third time in early 2009. Since its entrance to the Scheme, it has made significant progress in its licensing activity, and has also commented on the usefulness of the IFTS process in receiving advice and expertise. The main asset held by DSA which is of interest to re-users is the bank of theory test questions; however, given the fact that they are regularly updated, it is imperative that accuracy is maintained and obsolete questions are not recycled by licensees. As a result, DSA now makes extensive efforts so that all licensees are given updates simultaneously and with the same terms and conditions, ensuring fairness in their treatment of applicants and optimal accessibility and accuracy for the information.

As a result, DSA has also increased the level of licensing activity; in 2005, there were 5 types of licence servicing 33 contracts. In 2008, there are now 8 licences for 130 customers. Despite this rapid increase in the volume of licensing, the DSA has found the website a valuable tool in reducing the administrative strain on the organisation. Standard licence terms and conditions, the criteria used for clearing licensees' draft artwork and the length of time needed to grant a licence are all now available to applicants before submitting their requests, greatly streamlining the process. It has also found that separating the publishing activity from the rest of DSA's work has helped facilitate communications with licensees. There is a clear corporate commitment from DSA, extending up to Board level, which has made the organisation a positive role model for traders in PSI.

Logo used with permission.

Local government and health service engagement

- 4.14 A key challenge for the UK is how to spread awareness and raise standards in re-use across the wider public sector. A prime focus is engagement with local government and the NHS. OPSI has been working with the Improvement & Development Agency (IDeA) to ensure local government compliance with the PSI Regulations. The information held by local government is integral to re-use. The involvement of IDeA is critical to obtaining local government buy-in. OPSI and IDeA collaborated on producing a factual digest of the impact of the re-use regulations for local government.²³

²³ IDeA: <http://www.idea.gov.uk/idk/core/page.do?pageId=8194904>

- 4.15 In addition, OPSI is currently developing a 'Community of Practice', or internet forum, where practitioners can exchange views and examples of best practice re-use. OPSI will endeavour to keep the site a vibrant and profitable arena for discussion.²⁴ OPSI also values the expert guidance from the specialist APPSI members.
- 4.16 OPSI is also working with the NHS Information Centre (NHSIC) to disseminate good practice and open up NHS information for re-use. The NHSIC will join as a full member of IFTS to lead by example across this important sector.

Links with public-private partnerships

- 4.17 In 1998 the Government through HM Treasury launched its Wider Markets policy. Under Wider Markets, government departments, agencies, Trading Funds and certain other public sector bodies are encouraged to make better use of their assets by developing commercial activities. One of the ways in which assets can be exploited commercially is through establishing public-private partnerships.
- 4.18 A key asset for many public sector bodies is information. It is important that any commercial exploitation of information assets does not cut across the thrust of the PSI agenda. For this reason, OPSI works closely with Partnerships UK plc, a publicly funded company established by HM Treasury to take forward the Wider Markets strategy.
- 4.19 OPSI also had input into an initiative launched by the Intellectual Property Office regarding the potential commercial exploitation of intangible assets. OPSI was able to ensure that PSI issues were fully taken into account.
- 4.20 An example of joint public and private initiatives, coming from the POI Review is the use of transport data within the context of a National Transport Information Incubator (NaTII). The fundamental aim is to create a range of content allowing both public and private sector to experiment and mash the data with a view to developing a range of innovative products and services around transport.

Harnessing technology

The web and re-use

- 4.21 The web has revolutionised the way people perceive information and how it can be used. Increasingly, the most useful services are those that combine data from different sources, mixing public, private and user created content. This mixing is happening on the web or using web technologies, standards and approaches and is known as data mashing.

²⁴ Further information on Communities of Practice are available at <http://www.communities.idea.gov.uk/welcome.do>

4.22 Given the importance of aggregating and linking data across a wide spectrum of information sources, government is moving towards treating the web as a place to provide public services (government to citizen, government to business) and as a platform for data on which others can build services.

4.23 OPSI delivers this approach as a part of an online strategy under the "provide and enable" approach. Where OPSI provides, it delivers high quality online services. Where OPSI enables, it leaves it to others to provide.

Power of Information (POI) Review

4.24 The Power of Information (POI) Review²⁵ (written by Tom Steinberg and Ed Mayo) into the opportunities afforded by developments on the web broke new ground and provided a focal point for many initiatives surrounding PSI. The vision of POI is essentially "that citizens, consumers and government can create, re-use and distribute information in ways that add maximum value."

4.25 It is envisaged that PSI will be provided in ways that maximise its potential for re-use. The POI broadens the case for re-use from unlocking economic value, to releasing economic and social value of PSI and to enabling the delivery of more effective public services.

4.26 The Minister for Transformational Government, Tom Watson, has driven forward this agenda, announcing in March 2008 the creation of a POI Taskforce, chaired by Richard Allan, of Cisco Systems. The Chief Executive of The National Archives, of which OPSI is a part, is a member of the Taskforce with OPSI providing Secretariat support to the Taskforce.

4.27 The POI team launched a blog²⁶ in June 2008 for discussions on exemplars of, and barriers to, PSI and re-use and progress made in the POI arena. It offers users a forum to express their ideas and build on existing work. The importance of new, emerging methods of communication and discussion such as blogs, has been realised by government which issued guidance for civil servants when using social media, on 18 June 2008.²⁷

4.28 The POI Taskforce launched a competition²⁸ on 2 July 2008 inviting the public to suggest ideas for new products which re-use PSI, with a prize fund of up to £20,000 to take the best ideas to the next stage of their development. It was showcased at the OpenTech Conference on 5 July 2008.

25 The Power of Information Review: http://www.cabinetoffice.gov.uk/~media/assets/www.cabinetoffice.gov.uk/strategy/power_information%20pdf.ashx

26 The POI blog: <http://powerofinformation.wordpress.com/>

27 http://www.civilservice.gov.uk/iam/codes/social_media/participation.asp

28 The POI Competition: <http://www.showusabetterway.co.uk/>

Re-use request webchannel

- 4.29 OPSI has a leading role in taking forward a number of the recommendations within the Review. Recommendation 8 called for OPSI to develop a re-use request channel to gather and assess requests to re-use PSI.
- 4.30 To engage with potential users of the service, OPSI launched a dedicated online discussion forum as a precursor to the webchannel in September 2007, followed by three consultative events in January and February 2008, a BarCamp event open to all, a joint event with Joint Information Systems Committee²⁹ (JISC) to engage with re-users in the UK academic community and a third event held jointly with Intellect to engage with the IT industry.³⁰
- 4.31 The first of these was a BarCamp about the re-use request channel, entitled BarcampPOIR8.³¹ A BarCamp is like a conference, except there is no programme arranged ahead of time and those who attend are expected to participate in the discussions, presentations and demonstrations. The schedule for the event is worked out on the day, typically by people putting notes on a board choosing the topics they would like discussed and debated. During OPSI's BarcampPOIR8, attendees addressed issues and discussed the problems with re-use of information. A key theme was to emerge – there was a perception that government does not encourage the re-use of information.
- 4.32 The attendees went on to design how the new service should work, including what information users should give and some of the features that should support the new service.

"No one in government IT will ever have done anything like this before."

Tom Steinberg, MySociety³²

- 4.33 The second event was a joint consultative exercise with the academic community organised by OPSI with JISC and the third a concept viability exercise with members of Intellect, the body which represents software and IT organisations to government. All three events explored broadly the same themes and shaped the creation of the new service.
- 4.34 The "unlocking service", as the re-use request channel is currently called, was released in beta version on 5 July 2008 at the OpenTech Conference in London. The aim of the unlocking service is to provide an instrument for re-users to resolve problems with re-use, for example with charging, licensing or the data standards that PSI is provided in.

29 Joint Information Systems Committee: <http://www.jisc.ac.uk/>

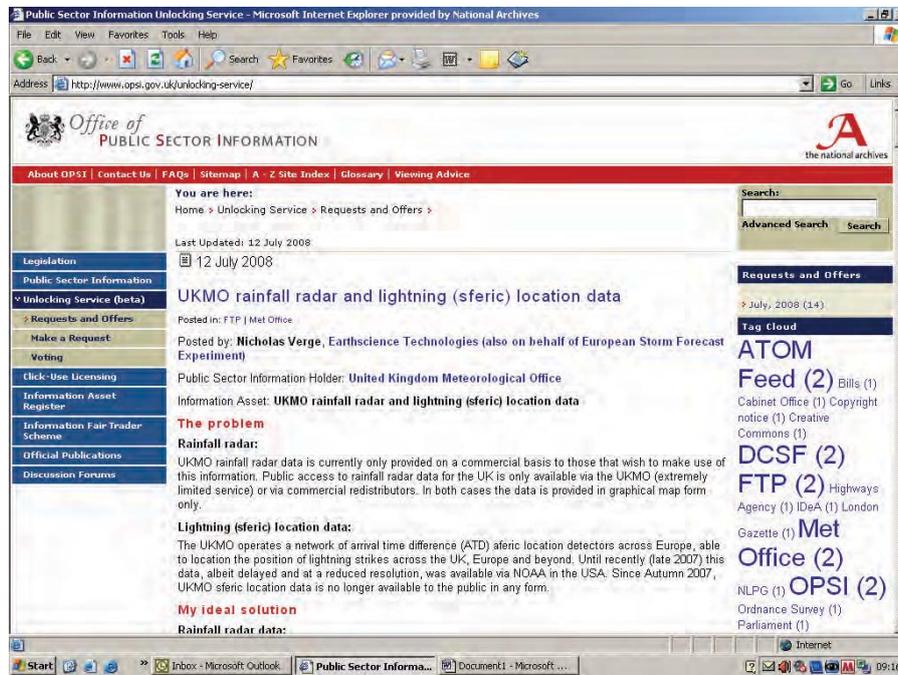
30 OPSI's consultative events: <http://www.opsi.gov.uk/advice/poi/recommendation8.htm>

31 OPSI BarcampPOIR8: <http://barcamp.org/BarCampPOIR8>

32 <http://www.guardian.co.uk/technology/2008/jan/17/freeourdata>

4.35 Re-users simply fill out a form describing their issue, which is considered by OPSI. This is then posted to a blog style user interface where others can view the information, add comments or vote to support the information being unlocked.

4.36 In week 1, 14 requests were made to the service.³³



*"The Office of Public Sector Information (OPSI) goes from strength to strength. After its chief Carol Tullo spoke out in Europe about the importance of greater access to data, OPSI has set up a web page where you can request data sets you want released."*³⁴

Free Our Data blog, Charles Arthur and Michael Cross

Semantic Web Standards

4.37 There is recognition that a government website is not always the most effective place to provide information. It is beneficial that information is where the users are and can find the information, which means it can be re-used by others on the web. For example, food hygiene inspection reports have greater impact on restaurant review websites than when they are located on local authority websites in hard to find sections.

4.38 As technology moves towards the web of linked data, governments have an important role being amongst the largest primary producers of information. The UK Government recognises the transformative capability of the web and its potential to have an impact on almost

³³ OPSI Unlocking Service: <http://www.opsi.gov.uk/unlocking-service/OPSIpage.aspx?page=UnlockIndex>

³⁴ <http://www.freeourdata.org.uk/blog/?p=214#comments>

every area of citizens' lives. The web provides a platform and semantic technologies provide the standards and capabilities for creating a new type of information infrastructure; one that underpins businesses and communities. Authoritative sources such as official information carry enormous weight and significance in this environment. A key challenge for OPSI is understanding how to make PSI available in ways that enable and maximise its re-use.

- 4.39 The use of Semantic Web Standards is important to ensure information is presented in the most accessible form possible. OPSI is engaging with partners and organisations to develop and enhance new technologies to deliver new formats. There are a number of options for enabling this type of re-use, using the web as a platform to deliver data such as application programming interfaces (APIs) for structured data. With new Semantic Web Standards such as RDFa,³⁵ it is now possible to mark up textual information inside documents, in effect turning a traditional website into an API. The UK Government has been exploring the use of semantic markup inside XHTML documents in order to facilitate access, use and re-use of data.
- 4.40 Apart from the data held in databases, much of the interesting information that people want to re-use is semi-structured. With this type of information there is commonality of data but also considerable variance. The creation and dissemination of such semi-structured information is widespread throughout the public sector. Examples include the description of job vacancies, government consultations and official notices such as those published in the London Gazette.
- 4.41 The London Gazette is the UK Government's official journal and newspaper of record. Published by Authority since 1665, it is a unique source of a wide range of information, including notices grouped by subject, for example, planning, transport, environment, insolvency.
- 4.42 The London Gazette³⁶ is a natural candidate for the Government to semantically enable and unlock the re-use potential of that information. OPSI has been running a project to semantically enable the London Gazette, making it part of the new web of linked data.
- 4.43 Work on the London Gazette was accepted for presentation at the XTech³⁷ 2008 Conference in Dublin, one of the leading conferences for developers, information designers and managers working with web and standards-based technologies in Europe. In addition OPSI has presented this project at OpenTech 2008,³⁸ an informal, low cost one-day conference on technology, society and low-carbon living, featuring Open Source ways of working and technologies.

35 RDFa standard: <http://www.w3.org/TR/xhtml-rdfa-primer/>

36 London Gazette: <http://www.gazettes-online.co.uk/>

37 XTech Conference 2008: <http://2008.xtech.org/public/news>

38 OpenTech Conference 2008: <http://2008.xtech.org/public/schedule/detail/528>

- 4.44 At a European level, OPSI contributed a paper to Semantic Interoperability Centre Europe Interconnecting Europe Conference Book,³⁹ prepared as part of the EC's Interoperable Delivery of European eGovernment Services to public Administrations, Business and Citizens Programme.

OpenSpace

- 4.45 OPSI has actively supported Ordnance Survey with the launch of OpenSpace. The aim of OpenSpace is to allow innovators to build Web 2.0 applications using Ordnance Survey data. It enables data mashers to access and use the best mapping data available free of charge, for non-commercial purposes. Since being launched in February 2008, a wide range of applications have been built using this platform.

Spreading Awareness

- 4.46 A key element in the successful implementation of the PSI Regulations is raising awareness within the public sector to support public sector bodies in meeting their responsibilities under the PSI Regulations. To date OPSI has addressed over 400 public sector bodies including representatives from local government, central government departments, the health and rescue services at a variety of awareness spreading events. This includes in-house seminars, workshops, conferences and presentations.
- 4.47 OPSI has worked with organisations such as the Digital Content Forum⁴⁰ and IDeA at a number of conferences aimed at both the public and private sectors. More recently OPSI has been working with central government departments to raise awareness of the PSI Regulations. This has led to an increase in the amount of information being made available for re-use free of charge through the Click-Use Licence system (see 5.2).
- 4.48 OPSI continues to engage with its stakeholders to spread awareness and resolve issues that users have with access to, and the re-use of, PSI. In conjunction with Whitehall and Westminster World, OPSI is hosting a one-day conference in October 2008 to promote PSI and to further examine the issues surrounding PSI and its re-use. There has been concerted activity surrounding PSI in the past year with a number of reports providing the opportunity to change the current regime. How OPSI goes forward and overcomes the current obstacles will be central to the discussions at the conference. The conference will also cover the intertwined issues of the semantic web and Web 2.0 that rely on information being accessible and available for re-use. The potential opportunities that can be harnessed from the development of innovative products and services to improve the community and boost the economy are numerous.

³⁹ Semantic Interoperability Centre Europe Interconnecting Europe Conference Book:
<http://www.semic.eu/semic/view/documents/Interconnecting-Europe-SEMIC-EU-Book.pdf>

⁴⁰ The Digital Content Forum: <http://www.dcf.org.uk/>

4.49 The conference will host workshops that will explore methods for improving information supply re-use, the barriers to re-use and the potential threats. It will look at ways the public and private sectors can collaborate to ensure a system that is fair, open and competitive, and allows innovation and creativity to flourish.

Timeline

The Timeline on the following pages highlights and tracks activities, events and initiatives in the PSI arena over the past three years since the implementation of the Regulations in the UK. Many of the key milestones have been described in this report. There have been many achievements to date, and the progress in the past year underlines the momentum that has gathered and continues to be a driving force.

The Timeline is divided into three sectors – the UK Government, OPSI and external factors that are influencing the PSI field. It depicts the synergies between the public and private sectors and the emerging activities that are informing policy and current thinking.

GOVERN

- UK Implementation of PSI Directive
- PSI Regulations

- Guide to Best Practice
- IFTS Online launched
- PSI and FOI Seminars
- MOU with OFT
- Protocol with ICO
- Protocol with SIC
- Local Government/PSI Seminar
- NHS/PSI Seminar
- NI/PSI Seminar
- Local Government/PSI Seminar
- Value-added Click-Use launched
- FOI Live/PSI Seminar
- Scotland/PSI Seminar
- IMAs introduced
- Central Government/PSI Seminar
- Wales/PSI Seminar

EXTERNAL

- Free Our Data campaign launched
- APPSI annual conference
- Free Our Data blog

Summer 2005

Autumn 2005

Winter 2005/06

Spring 2006

GOVERNMENT

- OFT CUPI Report

- Response to CUPI

- Response to POI

- IA/OS Complaints Investigation Report

- AKTive PSI Research Project completed

- Association of Census Distributors/
 OS Complaints Investigation Report

- Locus Seminar: PSI in the Marketplace: What lies ahead?

- Re-use of PSI Workshop – Local Government

- Zero-Now Ltd/Milton Keynes Council
 Complaints Investigation Report

INTERNAL

- PSI Debate at RSA

- APPSI annual report

- First APPSI Review published

- Facebook platform launched

- WWW2007 Conference

- W3C/WSRI e-gov and the Web Conference

- INSPIRE Directive comes into force

- POI Review published

- Locus Seminar:
 The Trading Fund model
 and the PSI marketplace

- Potsdam PSI and
 FOI Seminar

Summer 2006

Autumn 2006

Winter 2006/07

Spring 2007

PSI Timeline 2005–2008

-
- NaTII (DfT Data Mashing Lab)
 - UK Government Web BarCamp
 - ePSIplus UK National conference
 - OS OpenSpace launched
 - CLG Select Committee Report on OS
 - NESTA/BERR Innovation In Internet Services Workshop
 - CUIP Progress Report
 - POI Taskforce launched
 - POI Review Progress Report
 - Budget 2008
-
- UK Annual PSI Report
 - Transformational Government POI Seminar
 - ePSIplus conference: PSI Management, Standards and Quality
 - Revised complaints procedures
 - HMSO IFTS Report published
 - UKHO IFTS Report published
 - Click-Use web services deployed
 - Licensing Forum
 - PSI Discussion Forum launched
 - New Gazettes website launched
 - AKTive PSI Research Paper presented at ISW Conference
 - Local Government/ PSI Seminar
 - Met Office IFTS Report published
 - Audit Bodies Workshop
 - Transformational Government Conference Tower08
 - Revised statutes published
 - PSI BarCamp
 - Consultative Forum with JISC
 - PSI Workshop with Intellect
-
- ePSIplus meeting: PSI Re-use Business
 - ePSIplus meeting: Public Sector Culture
 - ePSIplus meeting: PSI Pricing
 - APPSI annual conference
 - Locus Seminar: Complaints and Redress in the PSI marketplace
 - OECD: PSI Workshop
 - Semantic Camp
 - PSI Alliance launched
 - ePSIplus National Meeting: Presentation on UK Successes and Challenges
 - Models of Public Sector Information Provision via Trading Funds Report
 - International Summit on Access to PSI
 - Free Our Bills Campaign

Summer 2007

Autumn 2007

Winter 2007/08

WINTER

- Government response to CLG Committee Report
- OFT/OPSI/OS Workshops
- Shareholder Executive Trading Funds Assessment ToR published
- Civil Service guide for online participation
 - POI Blog
 - Managing Information Risk Guidance published
- XTech conference: POI Competition launched
- Data Handling Review
 - Data Sharing Review
 - Knowledge Council

SPRING

- Worcestershire County Council IFTS accredited
- Licensing Forum
- OS IFTS Report published
- The National Archives IFTS Report published
- GROS IFTS Report published
- First official complaint under PSI Regulations
- Mediation services relaunched
- Online unlocking service launched
- UK Annual PSI Report

SUMMER

- Yahoo adopts semantic web technology
- GKIMN wiki launched
- Locus Seminar: The Trading Fund Model
- New APPSI Chair
- PM speech at Google Zeitgeist
- ePSIplus meeting: Law and Regulation
- XTech conference: Semwebbing the London Gazette
- ePSIplus conference on recommendations for EU Directive
- ePSIplus Recommendations to EC published
- OECD Ministerial: Future of the Internet Economy
 - APPSI annual report
 - XPub conference: Transforming Legislation Publishing

Spring 2008

Summer 2008

5. PSI Re-use Business

Scope

- 5.1 In this chapter OPSI reviews PSI from the perspective of business re-use of information. The following are considered:
- encouraging re-use across the private sector
 - analysing sector and markets for PSI
 - links with industry including trade associations and representative bodies.

Encouraging re-use across the private sector



Click-Use Licence

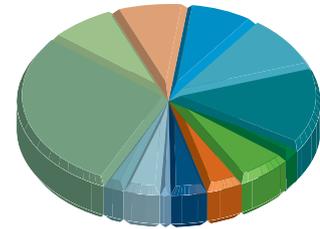
- 5.2 OPSI launched the Government's Click-Use Licence⁴¹ in 2001. It was developed with the interests of commercial re-users in mind. In order to encourage re-use it was considered essential to develop an online system which provided users with a licence process that was quick, certain and transparent.
- 5.3 Click-Use has proved to be extremely successful and there are currently over 15,000 licences in place. Click-Use was developed in consultation with private sector re-users, with the aim of enabling a greater number of people to gain easier access to and re-use of a wide range of government information. Initially, the scope of the Click-Use Licence was core government information, offering a fast and efficient licensing model to replace the outdated system of granting permission. Since then the Click-Use solution was extended (see 5.7).

⁴¹ Click-Use Licence: <http://www.opsi.gov.uk/click-use/index.htm>

Analysis of sector and markets for PSI

5.4 Click-Use helps deliver the aims of the Directive in stimulating the information industry but also contributes to the aims of reports such as the POI Review in providing citizens with the access to PSI. The diversity of re-users is illustrated in the chart.

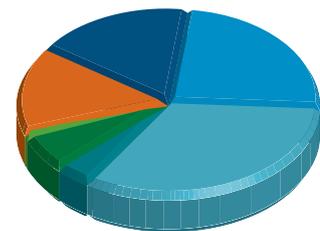
Click-Use Licence Re-Users by Category
1 July 2007 – 30 June 2008



Charity	8%
Consultancy	10%
Education/Training	14%
Financial	2%
Health	6%
IT and Internet Based Publishing	4%
Legal and Professional	4%
Library/Museum	1%
Manufacturing/Industry/Retail	4%
Marketing/Media	2%
Private Individual	29%
Public Administration	8%
Publisher	8%

5.5 There is also an international perspective to Click-Use with a significant proportion of re-users being outside the UK. This underlines the fact that information cannot be contained in geographical boundaries. It also reinforces the scope for the development of pan-European products and services drawing on information across the world.

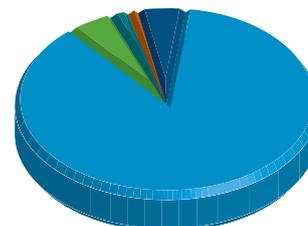
Click-Use Licence Re-Users by Continent
1 July 2007 – 30 June 2008



Europe (excluding UK)	24%
North America	33%
South America	4%
Africa	6%
Antartica	1%
Asia	15%
Australasia	17%

5.6 One of the key drivers behind Click-Use was to ensure licences could be transacted quickly with the minimum of delay, so enabling re-users to be able to get their information products and services to market quickly. For this reason, OPSI monitors licence applications under a set of published service standards. The underlying service standard is to ensure applications for re-use are met within 20 working days. This is in accordance with the Directive and the PSI Regulations. The chart illustrates the average number of days to make a final licence offer across the various versions of Click-Use.

Average number of days to make a final licence offer



0-5 days	87%
6-10 days	5%
11-15 days	2%
16-20 days	1%
21+ days	5%

Future of Click-Use

5.7 It has proved possible to extend the scope of the Click-Use Licence, originally developed as an online licence covering core government information, to a much wider range of material and uses. For example, OPSI developed a version of Click-Use covering value-added material; a Click-Use Licence system was developed for the UK Parliament, covering the copyright of Parliamentary material; and extended the Click-Use Licence so that non-Crown organisations such as local government and the NHS could make use of Click-Use by mandating OPSI to allow the re-use of their information. Some local authorities, notably Hampshire County Council, have chosen a different path and have developed their own online licence system, based on Click-Use, rather than mandating OPSI to license material on their behalf.

5.8 Discussions are taking place with the Scottish Parliament with a view to developing a Scottish Parliamentary Click-Use system. OPSI also wishes to encourage a wider take-up of Click-Use across local government and is promoting this system. Enabling use and simplifying the licensing processes is an aim shared by this initiative as with other solutions.⁴²

Click-Use web services

5.9 Building on the success of Click-Use, OPSI is now developing Click-Use as a SOAP (protocol for exchanging XML-based messages over networks) web service. This has two key objectives:

⁴² Creative Commons solution: <http://www.creativecommons.org.uk/>

- To automate the issue of licences machine to machine through the UK Government Gateway
- To provide a route for automating the issue of co-licences where the copyright is held by more than one party. This is important because increasingly the Government is being expected to license the re-use of aggregated material from various sources. For example, mapping data can be combined with details of local services.

Links with industry including trade associations and representative bodies

Office of Fair Trading and OPSI workshops

- 5.10 The OFT, in its 2006 report on the commercial use of public information,⁴³ identified issues and concerns relating to Ordnance Survey. The principle issues concerned the distinction between refined and unrefined data and also the extent to which the Ordnance Survey's activities in the commercial field could have a detrimental effect on the market.
- 5.11 Discussions and meetings between OFT, OPSI and Ordnance Survey have led to a series of workshops in the spring of 2008. A cross-section of re-users and potential complainants attended the workshops, which provided an opportunity for discussing some of the key issues around the Ordnance Survey's licence model. The outcome was a published action plan and timeline, and a summary of the conclusions and issues with details as to how the various concerns will be addressed.

Advisory Panel on Public Sector Information (APPSI)

- 5.12 APPSI was set up in 2003 to advise Ministers and OPSI on the opportunities for the information industry that flow from the greater re-use of PSI, especially those enabled by new technologies.
- 5.13 APPSI members are selected for their expertise in the information world and therefore include providers, re-users and consumers of PSI, experts from academia and industry and representatives of producer and consumer groups and the devolved administrations.
- 5.14 APPSI currently comprises 20 members, including the Chair and Deputy Chair. Professor David Rhind CBE became Chair of APPSI in May 2008, replacing Professor Richard Susskind OBE who stepped down in April 2008. Full biographies of APPSI members are available on the APPSI website.⁴⁴

43 OFT Commercial Use of Public Information: http://www.oft.gov.uk/shared_oft/reports/consumer_protection/oft861.pdf

44 Biographies of APPSI members: <http://www.appsi.gov.uk/members/biographies.htm>

"The wealth of public sector information informs and guides UK citizens and helps to keep them safe. It also fuels business and supports innovation. I am delighted to be appointed as Chair of APPSI and look forward to working with all the players involved."

David Rhind

- 5.15 Professor Rhind brings to APPSI a wealth of experience in information handling from both the public and private sectors, and is therefore suitably placed to take a major role in helping the Government to drive forward the re-use of PSI.
- 5.16 The APPSI Chair and members set out to promote PSI re-use as an intellectual asset that helps to make public services more efficient, enhance information industries, and generally strengthen the economy and improve the quality of life of citizens. In May 2008, APPSI published its fourth Annual Report for 2007.⁴⁵
- 5.17 The report highlights:
- the marked increase in the level of interest and debate in the re-use of PSI across government
 - the increase of public awareness of the issues surrounding re-use and recent coverage in the press
 - APPSI's paper to Ministers in October 2007 which outlined the need for a Government strategy on the re-use of PSI, with proposals for the short and medium term
 - APPSI's responses to important Government studies and consultations to the CUIP report and the POI Review.
- 5.18 APPSI has been called upon to review complaints made under the PSI Regulations and their report has been published on the APPSI website.⁴⁶
- 5.19 In June and July 2008, APPSI and its members were actively engaged at the request of Ministers in defining what speedy actions on PSI re-use would enhance its extent. This has coincided with a call from the EC for public comments on the effectiveness of the Directive (see 2.4). APPSI reviewed the successes and shortcomings since this was implemented in the UK, considered other work done by and for various government departments on this topic and produced a report.⁴⁷ From that, APPSI has provided advice to Ministers and made some observations to the EC.

45 APPSI Annual Report 2007: www.appsi.gov.uk/reports/annual-report.htm

46 APPSI Review Board Report: <http://www.appsi.gov.uk/review-board/reports.htm>

47 <http://www.appsi.gov.uk>

The Locus Association

- 5.20 The Locus Association is a group of private sector companies advocating the development of the PSI market. Most of its members are drawn from the geospatial industry. OPSI has regular contact with Locus and has supported many of their seminars, including providing guest speakers.

PSI Alliance

- 5.21 The PSI Alliance was formed in January 2008 with members drawn from a number of private sector re-users across the EU, including trade associations. OPSI has established links with the PSI Alliance.

Digital Content Forum

- 5.22 Recognising the importance of content, the Digital Content Forum (DCF) brings together trade organisations and other bodies across the digital content industries. OPSI co-hosted a series of regional seminars with DCF when the PSI Regulations first came into force in 2005 and regular links with the organisation have informed OPSI's work.

National Endowment for Science and Technology (NESTA)

- 5.23 In June 2007, Alistair Darling, then Secretary of State for Trade and Industry and Jonathan Kestenbaum, CEO of The National Endowment for Science and Technology (NESTA) launched the Innovation in Services project. This is a joint study to investigate the service sectors and make recommendations on how the government can stimulate and support innovation, enabling UK businesses to better meet the global challenges of the future. The project has been business led with five Sector Innovations Groups (SIGs) established to consider, in their respective business areas, the factors driving change, the barriers to innovation and the scope for effective Government intervention to reduce those barriers. The groups were led by opinion formers and business leaders in each of the target sectors, one of which was internet services. OPSI has supported this work, providing evidence to the SIGs and contributing to events with business.
- 5.24 The research has identified a number of factors that contribute to innovation in services, of which "openness and flexibility of markets, driven by information and standards" is particularly relevant from a PSI policy perspective. The SIGs considered PSI – in particular, the accessibility of PSI – to be a critical factor in the development of digital content services, especially those that are location or weather/climate based. The SIGs recommended that government should make as much information available as possible.
- 5.25 Their thinking has informed the Assessment of the Trading Funds being currently undertaken by the Shareholder Executive (see 6.10). BERR hosted a Data Users' Workshop on 1 July 2008, in which OPSI participated, to explore these issues.

6. Financial Impact

Scope

- 6.1 This chapter covers the following issues regarding pricing and charging of PSI:
- the costs of creating information and pricing and licensing models
 - a number of UK government initiatives focussing on the charging mechanisms.

Costs of creating information and pricing and licensing models

Organisation for Economic and Co-operation Development

- 6.2 As part of the Organisation for Economic and Co-operation Development's (OECD) wider remit on developing digital broadband content, the OECD, recognising economic and other benefits arising from the re-use of PSI, submitted a draft recommendation⁴⁸ to the OECD's Council of Ministers on the effective use of PSI. These recommendations are broadly in line with the Directive and were presented at the OECD Ministerial Meeting on the Future of the Internet Economy (Seoul 17 – 18 June 2008). The intention is to address the following areas:
- working towards the development of international principles and guidelines
 - further analysis that will involve economic analysis, social benefits and methodologies.

⁴⁸ OECD Recommendation of the Council for the Enhanced Access and More Effective Re-use of PSI: <http://www.oecd.org/dataoecd/0/27/40826024.pdf>

6.3 The UK supported the Seoul Declaration,⁴⁹ which recognises how the Internet is transforming our economies and societies. OPSI has played a full part in the development of the general principles contained in the PSI Recommendation to Council. The principles will be taken forward in the context of an OECD working group on which OPSI is represented. These principles are:

- **Openness:** ensuring there is openness in access and re-use of information practices and clarity on refusal of information, restrictions to information, or licensing regimes.
- **Access and transparent conditions for re-use:** encouraging non-discriminatory practices and eliminating exclusive arrangements and restrictions, ensuring improved access to PSI.
- **Asset lists:** promoting awareness of PSI in the form of information asset lists and other inventories.
- **Quality:** maintaining and enhancing quality and reliability of information through co-operation of stakeholders and partners, and through best practice.
- **Integrity:** maintaining and improving integrity and availability through best practice.
- **New technologies and long term preservation:** through the use of new technologies ensuring information is preserved; access and re-use mechanisms are developed and enhanced; and there is opportunity to develop new innovative products and services.
- **Copyright:** facilitating re-use of PSI whilst ensuring copyright ownership is respected.
- **Charging:** ensuring transparent and consistent pricing regimes where information is not provided free of charge.
- **Competition:** ensuring there is competition to promote fairness and equality for customers.
- **Redress mechanisms:** providing transparent complaints and appeals procedures.
- **International access and use:** ensuring consistency in access and re-use practices across cross-border organisations and increasing co-operation.
- **Best Practice:** sharing knowledge and best practice.

⁴⁹ OECD Declaration for the Future of the Internet Economy: <http://www.oecd.org/dataoecd/49/28/40839436.pdf>

UK government initiatives focussing on the charging mechanisms

OFT Commercial Use of Public Information Report

- 6.4 OFT published the CUIPI report⁵⁰ in December 2006, which focused on the economic benefits that could result from removing barriers to the re-use of PSI. It made a number of recommendations but most of them concern the following themes: the need to have clear demarcation lines between refined and unrefined information; the need for improved accounting practices and quality of service reinforced by improved guidance; the need for greater transparency and fairness amongst government Trading Funds; and the need to strengthen OPSI's regulatory role and resource it accordingly.
- 6.5 The Report, particularly the analysis of the information trading activities of government Trading Funds, has helped to inform the Cambridge Report (see 6.7) and the assessment of Trading Funds that is currently being undertaken by the Shareholder Executive (see 6.10).
- 6.6 The Government publishes six monthly updates on progress against each of the recommendations of the CUIPI report.⁵¹

The Cambridge Report and Analysis of Pricing Models

- 6.7 The Models of Public Sector Information Provision via Trading Funds Report⁵² (the Cambridge Report) is an independent report written by a team of economists at the University of Cambridge and was published on 12 March 2008 alongside the Budget report.⁵³
- 6.8 HM Treasury commissioned the Cambridge Report to examine an independent review of how government Trading Funds provide and charge for PSI.
- 6.9 The Report was commissioned as a direct result of a recommendation in the POI Review that explored the Government's role in maximising the benefits for communities through new technologies and online tools.

50 OFT Commercial Use of Public Information: http://www.offt.gov.uk/shared_offt/reports/consumer_protection/oft861.pdf

51 CUIPI Progress Report: <http://www.opsi.gov.uk/advice/poi/cupi-progress.htm>

52 The Models of Public Sector Information Provision via Trading Funds Report <http://www.berr.gov.uk/bbf/competition/market-studies/public-information/page39978.html>.

53 Budget Report 2008: http://www.hm-treasury.gov.uk/budget/budget_08/bud_bud08_index.cfm

Summary of the Cambridge Report

1. The study analysed different models for the provision of PSI via Trading Funds. It examined the cost and benefits to society, and the effects on Government and the UK economy. The study analysed six of the largest Trading Funds – The Met Office, Ordnance Survey, the UK Hydrographic Office, HM Land Registry, Companies House and the Driver and Vehicle Licensing Agency.
2. The study looked at four different pricing models – profit maximisation, average cost (cost recovery), marginal cost and zero cost.
3. Two models were discounted. Marginal cost of the digital products is close to zero; therefore, as this model is so similar to zero cost, the Cambridge team concluded there was no need to undertake a separate analysis of the zero cost model. A detailed analysis of a profit maximisation model was also ruled out for a number of reasons, including existing legal and competition restrictions on Trading Funds. Secondly, substantive results could not be measured due to the complications of comparing profit maximisation to average cost for the type of data available (unrefined data). Therefore, the analysis concentrated on marginal costing versus average costing.
4. The Cambridge Report focussed mainly on bulk digital products that are categorised as unrefined data.
5. The Report concluded that the welfare benefits in terms of making information available to the public of the marginal costing model would outweigh the benefit of the income generated from the sale of the data. As demand for digital data increases, there are economic benefits in encouraging users to develop new and innovative products.
6. Each of the Trading Funds was considered individually in the context of the report. The report estimated that the costs to Government of moving to a marginal cost pricing model for Trading Funds such as Driver and Vehicle Licensing Agency, Companies House and HM Land Registry would be small. The Cambridge team argue that the costs should be born by those registering with these agencies for Ramsey Pricing reasons. The costs would be higher for the UK Hydrographic Office and the Met Office, estimated approximately £1 million, whereas the costs for Ordnance Survey would be considerably larger. However, the authors claim the benefits would also be larger. The full details of costs and gains are detailed in Chapter 7 of the report.
7. The Report found that changes in the pricing models would not have any adverse effect on the quality of data.
8. There is a need for regulation to ensure that the benefits are realised and that standards of charging are adhered to.
9. The Cambridge Report concluded that the socially optimal policy would be for the current system to remain unchanged for the majority of refined information products, with a move to marginal cost pricing for the unrefined information.

Shareholder Executive Assessment of Trading Funds

6.10 In the Budget Report 2008, the Government announced that the Shareholder Executive, part of the Department of Business, Enterprise and Regulatory Reform (BERR), would undertake an assessment of the business models of government Trading Funds and consider the benefits to the wider UK economy from any potential changes to the Trading Funds' model. The Cambridge Report and its recommendations will be considered as part of the assessment. The Shareholder Executive will examine the impact of any changes to the current pricing, access and licensing regimes on the business models of the Trading Funds. This is with a view to:

- distinguishing more clearly what information is required by Government for public policy
- ensuring that this information is available as widely as possible in order to maximise the benefits for to the wider UK economy, at a price that balances the provision of such access with the need for users to make a fair contribution to the cost of collecting the information in the long term.

6.11 The Terms of Reference detail the full work to be undertaken and were published on the Shareholder Executive website 25 June 2008.⁵⁴ The Shareholder Executive will report to HM Treasury and BERR Ministers in the autumn of 2008.

6.12 The Shareholder Executive will work with OPSI and HM Treasury during the course of the review. The review will be advised by a Steering Group with representation from OPSI, OFT, the Cabinet Office, HM Treasury and BERR.

⁵⁴ The Shareholder Executive Assessment Terms of Reference:
<http://www.shareholderexecutive.gov.uk/publications/pdf/tradingfunds250608terms.pdf>

7. Information Management Standards and Data Quality

Scope

- 7.1 Good information management standards and high quality data underpin successful information management and re-use. Key initiatives and strategies that are being pursued in the UK are described in this chapter.

UK Government initiatives on information management

The Knowledge Council

- 7.2 The formation of the Government's Knowledge Council, established in 2007, is a positive development recognising the importance that information assets and corporate knowledge have in underpinning the business of Government. It also emphasises the importance of having skilled professionals to manage these assets.
- 7.3 With members primarily drawn from across central Government departments, the Knowledge Council acts as a focus for partnership and provides a forum for those responsible for knowledge and information across government. It is intrinsic to achieving both the Government's Service Transformation Programme⁵⁵ and the Transformational Government Strategy⁵⁶ by bringing about the more effective and efficient use of government knowledge and information needed to deliver better public services.

55 The Government's Service Transformation Programme: http://www.hm-treasury.gov.uk/media/4/F/pbr06_varney_review.pdf

56 The Transformational Government Strategy Annual Report 2007: http://www.cio.gov.uk/transformational_government/annual_report2007/index.asp

7.4 The Council is the formal governing body for the Knowledge and Information Management (KIM) Function. The Council promotes KIM disciplines in the same way that other key professions across government do, raising the profile and significance of the work of knowledge and information professionals and creating a stronger community of practice. The Council has endorsed the development of the GKIMN Wiki,⁵⁷ which supports the Government KIM Function by providing a secure social networking platform that provides a virtual community and online workspace for KIM professionals.

7.5 The Knowledge Council's key strategic aims are to:

- improve the way departments manage information ensuring it is made accessible where appropriate and used effectively to inform decision making
- build a culture which shares knowledge more effectively and builds capability in the handling of information of all kinds
- deliver this through developing the professionalism of knowledge and information management and through supporting structures, process and approaches.

Information Management Assessments

7.6 The merger of OPSI with The National Archives provided the combined organisation with opportunities to lead and transform information management in the UK. The National Archives has traditionally provided the lead on the creation, storage, retention and disposal of public records, with OPSI leading on the re-use of this information. The coordinated expertise has been put to good effect in The National Archives' standards strategy bringing together several assessment tools and initiatives to raise standards in information, knowledge and re-use across the UK.

7.7 Information Management Assessments⁵⁸ (IMAs) are one strand of this strategy. They were introduced in 2006 as a means of testing whether central government departments were complying with the Section 46 Code of Practice under the Freedom of Information Act 2000. Section 46 sets out guidance for complying with standards in records management. IMAs are a cross-government programme developed to assess the level of risk central government bodies face through poor information management and non-compliance with the Code. The ultimate aim of the assessments is to have information management recognised as a core activity within government. OPSI aims to improve the standard of information and records management by highlighting good practice, identifying where poor practice may pose risks and making recommendations to address these issues.

⁵⁷ GKIMN wiki: <http://gkimn.nationalarchives.gov.uk>

⁵⁸ Information Management Assessments: <http://www.nationalarchives.gov.uk/recordsmanagement/section46.htm>

- 7.8 The first two years of IMAs proved a success. Volunteer departments included the Home Office, the British Council and the Welsh Assembly Government. The assessment programme tested whether departments were following the Code of Practice. Areas of good practice were highlighted and recommendations made to improve standards.
- 7.9 Another strand of The National Archives standards strategy is carried out on behalf of the Information Commissioner. If the Information Commissioner's Office (ICO) identifies areas of concern, it may ask The National Archives to undertake an assessment against the Section 46 Code of Practice. The first such assessment was carried out on Nottingham City Council. The assistance given by The National Archives, and the recommendations made in the report, proved a real benefit to the Council which now has improved governance in place.
- 7.10 The IMAs and Section 46 Assessments form part of The National Archives' wider standards strategy. Work is underway to refocus the various assessment tools to ensure a coordinated approach to raising standards, both in re-use and in the wider information and knowledge management field. Without good information management, re-use of PSI is that much more difficult.

Information Asset Registers

- 7.11 Most of the information government holds is unpublished. A typical government department now has many terabytes of data and this figure is increasing constantly.
- 7.12 The role of Information Asset Registers (IARs) is to present metadata about the information assets which may sit under the surface information within public sector information holders' websites and may be difficult to find.
- 7.13 IARs were first introduced in the UK in 1999, in order to help the information industry and others find what information assets the government owns. Knowing what information is available is the first step to re-use. The growth in web publishing and making more information available under the Freedom of Information legislation, in the UK, has resulted in more material being released into the public domain. The challenge for government is presenting published information in such a way that it can be re-used. This is partly a technical challenge, but is also about discovering the right approaches for licensing downstream re-use.
- 7.14 The importance of IARs stems from the Departments' need to understand what information they hold for the purposes of good information management. This need is being explored, for example in the recent data handling review that was conducted in the UK (see 7.31).

- 7.15 It is important for public sector bodies to create and populate IARs, but it is better that they publish their data on the web, and better again if that information is published in re-usable forms and under enabling licensing conditions.

Metadata

- 7.16 Good information management is dependent on producing good metadata. Metadata is becoming increasingly important as information needs to be described in order for it to be useful, and this is the role of metadata. The nature and type of metadata is changing as the nature of digital content changes. This is becoming especially critical in the digital environment as content becomes more and more fragmented and needs to be linked.
- 7.17 Alternatively, any type of semantic enrichment of data, that is trying to express what data means, involves augmenting information thus increasing its size, making descriptions more complex. The descriptions users need will differ according to the type of information and how it will be re-used.
- 7.18 Working as a member of the metadata working group in the UK,⁵⁹ OPSI is assisting to facilitate and raise metadata standards and so enabling greater re-use of PSI.
- 7.19 Metadata can also enable users and information holders to present information in more usable forms. An important area is the use of semantic markup, embedding metadata at the fragment level, within web pages, to enrich semi-structured and unstructured data.

Links between the Office of Public Sector Information and the Information Commissioners

- 7.20 Both OPSI and The National Archives have formal agreements in the form of Protocols and a Memorandum of Understanding with the Offices of the Information Commissioners (see 3.6). These agreements are important to ensure regular contact between the offices to discuss practice and initiatives. Particular issues, which are regularly discussed, include the overlap between publication schemes and IARs, complaints investigation and the Section 46 Code of Practice for records management.
- 7.21 Responsibility for promoting access rights and handling complaints under access legislation falls to the Information Commissioner and, for information held by Scottish public authorities, the Scottish Information Commissioner (SIC). Responsibility for promoting re-use and for handling complaints under the PSI Regulations falls to OPSI. As indicated above, in practice the boundary between access and re-use is not always clear. It is important, therefore, that these regulatory bodies understand their respective responsibilities, co-operate in the provision

⁵⁹ Chief Technology Officer Council: http://www.cio.gov.uk/chief_technology_officer/index.asp

of guidance and ensure that complaints are handled by the appropriate body, with the benefit of advice from the other where required.

- 7.22 OPSI has agreed protocols with the two Information Commissioners. The protocols establish a framework for considering issues dealing with access and re-use of information defining where the boundaries of responsibility rest between OPSI and the Information Commissioners (see 3.6). This is particularly important in the context of complaints where it is essential that issues are handled by the appropriate organisation. Regular meetings take place and the minutes are published on the OPSI website.⁶⁰

Web Continuity

- 7.23 The growth in usage of the web has helped power the re-use agenda. As work supporting the POI agenda is established, the web is the key platform for government to make information available for re-use and it is also where increasingly rich and sophisticated services will be delivered to the citizen and consumer, bringing together PSI from various sources with other information.
- 7.24 If the government is to provide information as infrastructure and using the web as a platform to do so, then some significant issues arise, not least the problem of broken links. The inventor of the web, Sir Tim Berners-Lee famously said "Cool URIs Don't Change", unfortunately relying on the government's web estate has been more like walking across quicksand. To give one example, 60% of the URL references in Hansard⁶¹ to a government website no longer resolve correctly. Part of the problem is that the structures of government can shift almost as rapidly as the web itself is changing. Over time departments are split, merged and renamed. New domain names are created and websites reconfigured, making it very difficult to maintain persistent links to documents and data made available for re-use by government using the web.
- 7.25 The UK Government is the first to set out to address this problem routinely in a project called Web Continuity,⁶² led by The National Archives. Web Continuity sets to capture all the content for the government's various websites, using enhanced web archiving technology and by asking Department's to install software, which binds together live websites with the web archive. When a request can no longer be served from a live website, there is an automatic redirect through to the archived version of the document or data so perpetuating the link and preserving the reference.

60 Minutes of meetings with ICO: <http://www.opsi.gov.uk/advice/psi-regulations/disputes-resolution/>

61 Hansard is the edited verbatim report of proceedings in both Houses of Parliament: <http://www.publications.parliament.uk/pa/hansard.htm>

62 The Web Continuity Project: <http://www.nationalarchives.gov.uk/webcontinuity/default.htm>

- 7.26 The challenge is to ensure that the government preserves the contents of its web estate over time and the value of the network – the rich links from and to information on the government web estate.
- 7.27 Following testing, the first live implementations are over the summer of 2008, with rollout across government from December 2008.

Data Sharing Review

- 7.28 In October 2007 the Prime Minister asked Dr Mark Walport (Director of the Wellcome Trust) and Richard Thomas (the Information Commissioner) to undertake an independent review into the scope of sharing of personal information and the protections that apply when personal information is shared in the public and private sectors.
- 7.29 The consultation, which formed part of the review, received over 200 responses.⁶³ The Review was published on 11 July 2008⁶⁴ and considers whether there should be any changes to the way the Data Protection Act 1998 operates in the UK and the options for implementing any such changes. It includes recommendations on the powers and sanctions available to the regulator and courts in the legislation governing data sharing and data protection. It also makes recommendations on how data sharing policy should be developed in a way that ensures transparency, scrutiny and accountability.
- 7.30 The recommendations take account of technological advances and strike a balance that ensures appropriate privacy and other safeguards for individuals and society, while enabling sharing information to protect the public, increasing transparency, enhancing public service delivery as well as the need to minimise the burden on business.

Cabinet Office Data Handling Report

- 7.31 In November 2007, the Prime Minister announced that he had asked the Cabinet Secretary, with the advice of security experts, to work with departments to ensure that all departments and agencies check their procedures for the storage and use of data. An Interim Report, published on 17 December 2007, summarised action taken across government, and set out initial directions of reform to strengthen the government's arrangements.
- 7.32 The final report on data handling procedures across government was published on 25 June 2008.⁶⁵ The report sets out how government is improving its arrangements around information and data security, by putting in place core protective measures, getting the working culture right, improving accountability and scrutiny of performance.

63 The Data Sharing Review Consultation: <http://www.justice.gov.uk/publications/data-sharing-review-consultation.htm>

64 The Data Sharing Review: <http://www.justice.gov.uk/reviews/datasharing-intro.htm>

65 Cabinet Office Data Handling Report: http://www.cabinetoffice.gov.uk/reports/data_handling.aspx

7.33 It further sets out how the Government is improving information security by putting in place:

- core measures to protect personal data and other information across government
- a culture that properly values, protects and uses information
- stronger accountability mechanisms within Departments, and
- stronger scrutiny of performance.

Managing Information Risk

7.34 Managing information can bring with it certain risks. The Government has published a report on managing those risks. The Managing Information Risk Guidance⁶⁶ was published to coincide with the publication of the Cabinet Office's Data Handling Report. The guidance was produced by The National Archives, with the support of the Cabinet Office and other government departments. It is a guide designed for senior staff across government, particularly accounting officers, board members and chairs of audit committees. It gives detailed advice on how to assess and manage risks associated with creating, using and storing information. The guide aims to give non-specialists insight into the nature of risks in managing information in the public sector, with questions to ask, and potential sources of assurance that can support accounting officers in managing information risk. OPSI had input into the report, particularly focussing on the importance of realising the value of information assets.

⁶⁶ Managing Risk Information Guidance: <http://www.nationalarchives.gov.uk/services/publications/information-risk.pdf>

8. Driving Change

Scope

- 8.1 In this chapter the challenges that UK information policy is facing and the next steps in addressing practical solutions are set out providing an action plan to support the report on UK progress next year.

Challenges

- 8.2 Despite the progress and creative solutions and innovations described in this report, there are constant pressures to maintain the rate of progress and energy to improve and deliver even more. How can the UK Government speed all this up? Injecting pace into such a broad range of activity is hard. Systems and structures create barriers and restraints, real or perceived. It is through leadership, debate and discussion that innovation can thrive, best practice can be shared and improvements developed. The UK has benefited from exploring emerging approaches to PSI re-use in other jurisdictions with one example being the exchange of views at a series of conferences in March 2008 in Australia where ideas were readily debated.⁶⁷
- 8.3 The various awareness raising events, at EC, OECD and domestic levels, heighten visibility of the issues. Discussion fora, blogs and growing media interest support the aim to reinforce the value and benefits of PSI re-use.

Action: Building on recent developments, reinforce and maintain momentum in UK public sector bodies.

⁶⁷ Open Access to Public Sector Information: <http://www.osdm.gov.au/Events/182.aspx>

- 8.4 The different charging and business models across the public sector and government reflect processes and structures that have developed over many years. For re-users, working across different organisational boundaries creates confusion and frustration. There is no simple solution and no "one size fits all" answer.

Action: Using the outcomes of the current reviews and assessments, reframe the UK guidance and best practice to meet changing needs and respond to changes.

- 8.5 How is public task in information trading and re-use defined? Self definition does not command reassurance of a level playing field. Without a degree of independence in where the boundary is drawn confidence in the transparency and fairness of the exercise is challenged.

Action: Develop tools to enable information re-users to have confidence and clarity in the definitions and different approaches to trading activity across the public sector.

- 8.6 Despite the binding nature of the Directive in UK law, the non-mandatory vocabulary of the Directive, reflected in the PSI Regulations, means that PSI re-use is not seen as a priority for the majority of public sector bodies. How does the UK incentivise the wider public sector to take their responsibilities seriously while respecting their rights to manage the information and data that they create? In central government re-use is a requirement under Crown copyright policy; not outside. Awareness and understanding is patchy and there are many other pressures on more than 100,000 public sector bodies in the UK. A growing understanding that there is real risk to the businesses, and the services that they run, supports the new focus on sound information management. The UK Government can drive up capability through this renewed focus on information management and risk assurance in the public sector. Encouraging the wider public sector also requires a recognition that there is a duty and obligation to deliver information that the re-user wants to enable engagement and involvement at local level.⁶⁸

Action: Reinforce the risk to the business and services of public sector bodies and encourage the exemplars to champion good information management practices by directed guidance and targeted support.

68 See Communities in Control White Paper, July 2008, Chapter 3:
<http://www.communities.gov.uk/documents/communities/pdf/886045.pdf>

- 8.7 This is the era of mashing and mixing data from different sources – the flexibility and innovation of new services in an online world should be encouraged and not prevented. Until recently there has been no easy way of identifying material with embedded third party rights. Technology is changing that.

Action: Clarity around licensing re-use of data that has aggregated third party copyright material within it will be produced in revised guidance.

- 8.8 Removing choice and opportunity for re-use through exclusive arrangements has no place in the enabling regime set up under the PSI Regulations. As the deadline of December 2008 approaches and with it the risk of infringement proceedings signalled by the EC from January 2009, there will be renewed effort to reinforce that message and identify any issues and advise public sector bodies on what they need to do.

Action: Communication and alerts to all public sector bodies will be renewed with tracking of progress on the OPSI site.

- 8.9 In the age of the citizen publisher and blogger, the UK Government recognises that what may seem to be a complex mixture of waivers and licensing processes for re-use adds to complexity. A re-user registers proactively for a Click-Use Licence and variation adds to complexity. How can OPSI simplify further and build on the initiative launched in 2001? It may also be possible to bring together the PSI licence and this web page so that there is a single source for the basic conditions for re-use. This is under active development as licensing concepts need to provide for a simple expression of rights and to explain the provenance of the material.

Action: A single copyright web page with one reference for the copyright and licensing conditions across government will be explored to deliver coherence and consistency.

- 8.10 Confidence in a strong regulator with powers to enforce good practice and ensure compliance is crucial. Resourcing and priorities follow need and the new initiatives implemented in the UK require careful prioritising as there is a limit to what can be done across government within existing resourcing.

Action: OPSI and The National Archives will continue to work within current resources harnessing technology and pooling resources and expertise to deliver the improvements needed, alive to the demands and expectations that this agenda places on the organisations to deliver the UK goals.

Conclusion

- 8.11 The UK approach is that where there is access, there is also the opportunity to re-use. This report documents the energy and innovation that has seen many initiatives unlock information and demonstrates the pivotal efforts in the UK in 2008 to maintain a thriving information economy. Calls for the PSI Regulations to be tightened⁶⁹ reflect greater awareness that re-use matters and has tremendous implications for us all.
- 8.12 The focus of this report is to prepare the UK to respond to, and build upon, the recommendations that emerge from the Commission review of the Directive this autumn. By covering all the linked developments and innovations in the UK, this report is designed to contribute to those discussions. Developments this year will shape the next. Online services and discussion mean that solutions are immediate and responsive to demand. On that basis OPSI will measure its success in the UK on a journey to unlock the potential of PSI for us all. This is an exciting, innovative agenda, not without its challenges as to how to move forward. The potential is present and OPSI will continue to lead, driving forward change and reporting on progress made in the coming year.

⁶⁹ Communities and Local Government Committee, Fifth Report of Session 2007-8, February 2008, paragraph 30: <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/268/268.pdf>

Annex A: Progress on 2007 Action Plan

The actions highlighted in the OPSI Report 2007 inform this Report and are summarised in this table.

Number	Proposed Action from 2007 Report	Progress
1	Scope of Directive	OPSI to comment in formal UK response to European Commission July 2008.
2	Public Task	Consultation and review with stakeholders, including APPSI and European Commission, continues as part of UK assessments and reviews.
3	Third Party Copyrights	Following clarification by European Commission the current policy is outlined at 3.11 of this report. This will be reflected in updated guidance.
4	Links with access and re-use	Clarification has been published on OPSI website and will be subject to ongoing review.
5	Encouraging compliance	The non-mandatory terminology of the Directive/Regulations limits wider take-up. Requirement to ensure re-use at central government level is delivered through delegations of authority and IFTS.
6	Complaints/Property search market	Working with Council Property Search Organisations has increased awareness of the complaints process within the industry.
7	Click-Use uptake and awareness	Number of Click-Use Licences continues to rise worldwide. The next generation Click-Use will move to further streamline the licensing process and enable users.
8	Resourcing OPSI	OPSI continues to operate within existing resources.
9	Information Assets	The benefits of asset lists and registers continue in discussions with other government departments reviewing new solutions offered by Web 2.0 technology.
10	Complaints processes	Building on the early experience with the complaints process, OPSI published revised complaints process in August 2007. Revised APPSI complaints process published July 2008.

Annex B: Glossary

APPSI	Advisory Panel on Public Sector Information
BERR	Department for Business, Enterprise and Regulatory Reform
CUPI	Commercial Use of Public Sector Information Report
EC	European Commission
EU	European Union
FOI	Freedom of Information
GROS	General Register for Scotland
Hansard	Hansard is the edited verbatim report of proceedings in both Houses of Parliament. It is the Official Report.
IA	Intelligent Addressing
IAR	Information Asset Register
ICO	Information Commissioner's Office
INSPIRE Directive	Directive for the Infrastructure for Spatial Information in Europe
IPR	Intellectual Property Rights
KIM	Knowledge and Information Management
Markup Language	An artificial language using a set of annotations to text that describe how text is to be structured, laid out, or formatted
NHS	National Health Service
NI	Northern Ireland
OFT	Office of Fair Trading
OPSI	Office of Public Sector Information
OS	Ordnance Survey
POI	Power of Information Review
PSI	Public Sector Information

PSI Regulations	The Re-use of Public Sector Information Regulations 2005 (S.I. 2005 No. 1515)
RDFa	Resource Description Framework attributes, provides a way of adding machine readable data to visually displayed information in a web page so the data can more easily be extracted and re-used.
RSA	Royal Society for the encouragement of Arts, Manufactures and Commerce
Semantic Web	The next generation of the web consisting of interconnected data. The Semantic Web provides common formats for combining data from different sources and a way of relating that data to real world objects.
SIC	The Scottish Information Commissioner
The Directive	The European Directive on the Re-use of Public Sector Information
W3C	The World Wide Web Consortium
Web 2.0	An umbrella term for treating the web as a platform for collaboration and participation, embracing reusable data and services, richer user interfaces, user generated content and social media.
WSRI	Web Science Research Initiative
XHTML	Extensible Hypertext Markup Language is a markup language that has the same depth of expression as HTML, but also conforms to XML syntax
XML	Extensible Markup Language is a general purpose specification for creating custom markup languages



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