

## **TRIENNIAL REVIEW**

**ADVISORY PANEL ON PUBLIC SECTOR  
INFORMATION**

**REPORT ON STAGE ONE ONLY**

**November 2014**

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## 1. Executive Summary

This Triennial Review of the Advisory Panel on Public Sector Information (APPSI) was announced by Written Ministerial Statement on 27 March 2014. The review was conducted in accordance with the June 2011 Cabinet Office *Guidance on Reviews of Non-Departmental Public Bodies (NDPBs)*.<sup>1</sup> It is the first such review of APPSI and has been undertaken by The National Archives.

APPSI has one statutory function and two non-statutory functions. This review considers APPSI's two non-statutory functions. Changes to the statutory function are being considered as part of the implementation of a European Directive into UK law (see below). This function therefore does not form part of this review.

APPSI's statutory function is to consider and review recommendations made by the Office of Public Sector Information, part of The National Archives, following a complaint made under the Re-Use of Public Sector Information Regulations 2005 (Statutory Instrument 2005 No.1515). The outcomes of such reviews are not legally binding on either party. Revised European legislation on the re-use of public sector information is currently being transposed into UK law. Directive 2013/37/EU amending Directive 2003/98/EC on the re-use of public sector information requires a means of redress for re-users which includes the possibility of review by an impartial review body with the power to make binding decisions. APPSI would be unlikely to meet the requirements of impartiality and ability to make binding decisions that are required by the amending Directive. The transposition of these provisions into UK law therefore will replace APPSI's statutory function under the existing Re-use of Public Sector Information Regulations. Transposition of the Directive is subject to public consultation which closed on 7 October 2014. Final proposals following consultation will be considered by ministers. As noted above, therefore consideration of APPSI's statutory function forms part of the transposition process and not this review.

APPSI has two non-statutory functions to advise:

- Ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information
- The National Archives and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry, so that the licensing of Crown copyright and public sector information is aligned with current and emerging developments.

APPSI's functions incorporated providing advice to ministers on the re-use of public sector information in 2005, at a time when there were few other bodies in this subject area in existence. However in recent years a number of other advisory bodies and groups have been established, including the Public Sector Transparency Board and its sector boards. These bodies now advise ministers on aspects of access and re-use of public data. Based on this and other evidence received, APPSI's function of advising ministers on re-use of public sector information is no longer required, as it is informally carried out

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<sup>1</sup> <https://www.gov.uk/government/publications/triennial-reviews-guidance-and-schedule>

by other advisory bodies such as Open Data Institute<sup>2</sup>, the Open Data User Group<sup>3</sup> and the Open Knowledge Foundation<sup>4</sup>.

Subject to the conclusion of this review all respondents to the triennial review questionnaire and interviewees felt strongly that any bodies advising ministers on these issues should be independent from government and impartial. Bringing the function of advising ministers on how to encourage opportunities for great re-use of public sector information within the remit of existing bodies such as The National Archives would risk compromising this independence with creators and re-users of public sector information. None of the respondents to the review favoured this option. Transferring APPSI's non-statutory functions to the private sector would almost certainly increase its costs, particularly if its work was to be undertaken by paid staff, rather than by volunteer members, as is currently the case.

It is the considered view of the review team that, should APPSI's non-statutory functions cease to exist, this would not have a significant impact on the ability of ministers to obtain high quality, impartial advice, due to the other organisations that can now deliver this capability.

The other non-statutory function of APPSI is to advise The National Archives and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry. The National Archives and Controller of Her Majesty's Stationery Office draws on the wide range of expertise of APPSI members, seeking their views and taking their independent advice on information re-use agendas and policies. While the advice provided by APPSI is considered valuable, there are other ways to gather expert advice and a body with NDPB status is not necessary for this purpose.

Whilst APPSI meets one of the three tests set by the Government for the delivery of functions by an NDPB, 'it performs a technical function, which needs external expertise to deliver'. As detailed in Section 5.2, delivery of this function is now undertaken by other bodies. APPSI does not meet the other two tests; delivering its non-statutory functions with absolute political impartiality and establishing facts or figures with integrity.

The review therefore concluded that there is no longer a need for APPSI to continue delivering its non-statutory functions and therefore recommends that APPSI ceases to deliver these functions as they are either carried out by other advisory groups or there are other ways of gathering expert advice.

The review recommends that these functions should cease to exist when APPSI's statutory function is replaced as part of the transposition of Directive 2013/37/EU and the revision of the Re-use of Public Sector Information Regulations 2005. The latest deadline for the UK Government to transpose the Directive is 18 July 2015. It is therefore recommended that APPSI is abolished within three months of the Directive being transposed and implemented or by 19th October 2015, whichever is earlier. Three months allows for APPSI to review any outstanding complaints under the current Re-use of Public Sector Information Regulations 2005.

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<sup>2</sup> <http://theodi.org/>

<sup>3</sup> <https://www.gov.uk/government/groups/129>

<sup>4</sup> <https://okfn.org/>

Given the recommendation to abolish APPSI a stage two review is not required.

## **2. Introduction**

This report sets out the findings of the 2014 triennial review of APPSI. It describes the purpose of triennial reviews, sets out the process adopted for this review and presents findings based on evidence provided by members of APPSI and officials at The National Archives. One contribution was received from an external stakeholder. This report draws on this evidence to make recommendations as to the future of APPSI. No responses to the forty-two invitations to participate in the triennial review - either through attendance at stakeholder meetings or by completing a questionnaire - were received from creating bodies, re-users or advisory bodies.

This is the first review of APPSI.

The Cabinet Office guidance identifies two principal aims for triennial reviews and these aims are met in two stages. Accordingly, the first stage of this review looked at the core functions of APPSI, assessed the need for these functions to continue and the structural options for continued delivery of these functions. Given the recommendation is that there does not remain a need for APPSI to continue its non-statutory functions, a stage two is not required. This report covers stage one of the review.

## **3. Approach to this review**

Stage one of this review was conducted by the Head of Strategic Projects and the Head of Corporate Planning at The National Archives. It was supported by colleagues in The National Archives' Chief Executive's Office. Additional support was provided by officials at the Ministry of Justice. The project was led by The National Archives' Director of Finance and Corporate Services as Senior Responsible Owner (SRO).

One of The National Archives' non-executive directors held the role of 'critical friend' for the review. He provided comment and challenge in reviewing the draft questionnaire, and advised on the range and scope of individuals invited to provide evidence. He also provided comment on the high-level summary of the outcomes from the review. Two project boards were held at key milestones during the stage one period. The National Archives' Management Board, on which the review's critical friend sits, reviewed the Stage one report on 9 July 2014.

The Chair of the House of Commons' Justice Committee and the Chair of APPSI were notified of the start of the review by letter dated 27 March 2014.

The review was scoped and delivered in line with the Cabinet Office's requirement that reviews should be proportionate to the size and nature of the NDPB and should also offer value for money. The reviewers sought the views of APPSI members, officials within The National Archives, creators and re-users of public data, and other advisory bodies to ensure that evidence received was as broad and robust as possible. The review was announced in Parliament and on The National Archives' website, inviting responses. The final report will be laid before Parliament. A copy will also be made available on GOV.UK.

The reviewers would like to thank those who gave their time to provide views on APPSI and supporting evidence. Attached as Appendix A is a copy of the questionnaire sent to members of APPSI and stakeholders. Creators of public sector information, re-users and

advisory bodies were invited to two stakeholder views groups. This list of bodies is included in Appendix B. Appendix C lists the organisations who contributed to the review.

#### **4. Function of APPSI**

As noted in the Executive Summary, the statutory function of APPSI is not covered by this review, as it is currently subject to change under EU legislation and its transposition into UK law.

APPSI's remit applies to England, Scotland, Wales and Northern Ireland. The functions of APPSI are as follows:

- to review and consider complaints under the Re-use of Public Sector Information Regulations Statutory Instrument 2005 No.1515 and advise on the impact of the complaints procedures under those regulations (statutory)
- to advise ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information (non-statutory)
- to advise The National Archives and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry, so that the licensing of Crown copyright and public sector information is aligned with current and emerging developments (non-statutory).

APPSI currently has 15 members, including the chair, and meets four times a year. APPSI's membership is from a diverse expert sector and consists of members with expertise in data re-use and public sector data. A list of the current membership and brief biographic details is attached as Appendix E. The chair receives an honorarium but other members are paid travelling expenses. For 2013-14 the total claimed by APPSI members for travelling costs, the chair's honorarium and other associated costs such as light refreshments for APPSI meetings was £6,300. Secretariat support is provided by The National Archives staff and is equivalent to 0.5 of a full-time post.

All members of APPSI are appointed in line with the Code of Practice issued by the Commissioner for Public Appointments. Each appointment is for up to three years. The cost for undertaking a public appointment recruitment process is on average a total of £8,000 per recruitment campaign, and is undertaken every three years, the term of an APPSI member.

APPSI is an advisory NDPB and has no role in the day-to-day running of The National Archives. APPSI has in the past provided an annual report to Parliament on its activities (though it has no statutory obligation to do so).

#### **5. Evaluation of APPSI**

APPSI's function has been evaluated against the following criteria:

- Contributions to support wider government and The National Archives
- Whether it is still necessary
- Whether the function could be performed elsewhere.

## 5.1 Contribution to support wider government and The National Archives

APPSI seeks to advise ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information. It advises The National Archives and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry, so that the licensing of Crown Copyright and public sector information is aligned to current and emerging developments.

## 5.2 Necessity for APPSI

The review team observed the APPSI meeting on 8 April 2014. It was evident that members of APPSI have considerable knowledge and expertise in the information arena and are very knowledgeable and pre-eminent in their particular areas of expertise, both nationally and internationally.

APPSI was established in 2003 as an NDPB as the Advisory Panel on Crown Copyright. In 2004, APPSI's role incorporated re-use of public sector information and was renamed the Advisory Panel on Public Sector Information and formed part of the adoption of Directive 2003/98/EC into UK law of Statutory Instrument 2005 No.1515. While there were few other bodies advising on re-use of public data at that time, in recent years a number of other advisory bodies have been established. Some of these advisory bodies, such as the *Open Data Institute*, already informally advise ministers on aspects of access and/or re-use of public data. The chair of APPSI sits on the Public Sector Transparency Board, which was set up to improve the transparency and auditability of government and its services, and one member of APPSI is also a member of the *Open Data User Group*. The combination of advisory groups now in existence, including the Public Sector Transparency Board and its sector Transparency Boards, provides a comprehensive framework to consider access and re-use of public sector data and advise ministers.

APPSI published a summary of its impact dated October 2013.<sup>5</sup> The Review Team found that while APPSI has responded to many government consultations and initiatives, in the vast majority of cases no mention is made of APPSI or its contributions in the government's responses to such consultations. There may be a link between APPSI's input to, and influence on government papers on information re-use and it is possible that causation may be evidenced by looking at the timelines between points raised in APPSI's consultation responses and government's responses to public data re-use. For example, some elements in APPSI's paper on the National Information Framework: November 2010 are similar to points contained in the government's response to the Shakespeare review, *The National Information Infrastructure*: October 2013. However the functions of the *Open Data User Group*, the *Open Data Institute* and the *Open Knowledge Foundation* are all mentioned in the *National Information Infrastructure* paper. In addition, advisory bodies such as the *Open Data Institute*, the *Open Data User Group* and the *Open Knowledge Foundation* are, frequently cited in government responses. It is therefore difficult to identify direct links between APPSI's contributions and government responses. One piece of evidence which the review team did note was that APPSI had developed a glossary of public data terms which has been published on GOV.UK. Respondents felt that the glossary is seen by users to have been developed by an independent expert authority. A number of APPSI members peer review comments on and additions to the glossary. If APPSI as an NDPB is abolished, this activity would be carried out on a different basis, subject to the parties involved.

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<sup>5</sup> <http://www.nationalarchives.gov.uk/documents/meetings/appsi-impact-2013.pdf>

APPSI members noted that APPSI's chair sat on the Beyond 2011 Census Programme Board and his advice was incorporated into the potential way forward for future censuses. Again this function does not need to be carried out by a body with NDPB status and it is for the Census Programme Board to decide future membership.

Some APPSI members commented that they do not see APPSI having the role of initiating policy, nor delivering against a particular policy agenda, but very much as a 'think tank' to indirectly influence the development of the economic value of public sector information, from a re-use perspective.

Based on this and other evidence received, APPSI's function of advising ministers on re-use of public data is no longer required as this function is covered by other bodies now in existence, including the Public Sector Transparency Board and its sector boards. One response was received from an external stakeholder who did support the continued existence of APPSI, but with greater representation from commercial re-users. No responses were received at all from creators of public data or re-users to support APPSI's continued role in this area.

The other non-statutory function of APPSI is to advise The National Archives and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry. The National Archives and Controller of Her Majesty's Stationery Office, draws on the wide range of expertise of APPSI members, seeking their views and taking their independent advice on information re-use agendas/policies. While the advice provided by APPSI is considered valuable, there are other ways to gather expert advice, such stakeholder engagement events. In addition, advisory bodies such as Open Data User Group, the Open Data Institute and the Open Knowledge Foundation carry out similar functions and do not have NDPB status.

### 5.3 Assessment of alternative delivery models

A requirement of the triennial review process is to undertake an assessment against alternative delivery models, including abolition. In doing so, the review team took full account of the views of members and former members of APPSI, the one contribution from an external stakeholder, as well as the marginal cost involved in APPSI. No contributions were received from creators of public data, nor re-users. The table below summarises the findings of this assessment for APPSI:

Option	Recommendation	Rationale
Abolition	Yes	Evidence provided suggested that given the number of other advisory bodies now influencing the information agenda and advising ministers, APPSI's function of advising ministers is no longer required. The statutory function currently held by APPSI will be replaced with transposition of the Directive 2013/37/EU on the re-use of public sector information and its provisions on redress for re-users. Consultation on redress options closed on 7 October 2014. Transposition of these provisions will

		take place by 18 July 2015. Review of the statutory function does not form part of this review.
Move out of central government to:		Given a number of other advisory bodies who now influence re-use of public sector information, some of which are privately funded, it would not be cost effective to move APPSI's functions into private sector. One of the bodies (The Open Knowledge Foundation) is a non-profit organisation. Public data re-use is a national/international issue and therefore it would not be appropriate to move this function to local government.
a) private sector	No	
b) voluntary sector	No	
c) local government	No	
Delivery by a new Executive Agency	No	APPSI is an advisory body and has no executive functions. Given the recommendation that APPSI's non-statutory functions cease, this option is not relevant.
In-house delivery at The National Archives	No	In-house delivery by officials would require additional resource and would have the potential to be seen as not being independent by creators and re-users of public sector information
Merger with another advisory body	No	No other NDPB covers similar functions.
Retain as an independent NDPB	No	While APPSI meets one of the three Government tests (see section 6 below), the functions do not require to be carried out by an NDPB.

Individual members of APPSI have considerable depth and breadth of experience in information management and re-use, both nationally and internationally. Members commented that having membership from the devolved administrations has brought benefits to government in general. However some respondents stated that while APPSI may have had a role of advising ministers on greater re-use of public sector information in earlier days, with a number of other advisory groups now actively commenting on access and re-use, their role has diminished. As noted by one member of APPSI, The National Archives has developed its own expertise, experience and contacts and also provides advice to ministers.

One external stakeholder body to respond felt that APPSI should be retained with increased representation from the private sector.

The review team considers that having the work undertaken by a voluntary sector body would likely incur similar additional costs. Other advisory bodies already exist, albeit with potentially narrower remits, which are not-for-profit organisations.

Moving the non-statutory functions to a private organisation would be considerably more expensive.

Whilst the option of bringing APPSI 'in house' may have some surface attraction, in reality it is likely to be perceived as compromising independence by creators and re-users of public sector information. The National Archives already advises ministers and other government departments on the re-use of public sector information. Stakeholder views from re-users and industry cannot be provided in-house. As The National Archives is a government department in its own right, this would not qualify as independent. These views should be sought from independent individuals and bodies as part of The National Archives' external stakeholder engagement.

No other NDPB covers a similar function to APPSI and none of the other advisory bodies have NDPB status.

## **6 The three tests for continued delivery by an NDPB**

The government has set three tests to determine whether a function is best delivered by an NDPB. The review team's assessment of APPSI against each of these tests is set out below:

- Is this a technical function (which needs external expertise to deliver)?

Yes. APPSI does deliver a technical function. Any advisory body requires membership with collective experience and expertise, drawn from a wide variety of backgrounds and sectors, including the private and public sectors. However given there are a number of other advisory bodies now in existence, none of which are NDPBs, an advisory body does not need to be an NDPB to undertake this function.

- Is this a function which needs to be, and be seen to be, delivered with absolute political impartiality (such as certain regulatory or funding functions)?

No. APPSI's non-statutory functions should be politically impartial, but these are not regulatory functions and, as such, it should not be necessary to retain NDPB status in order to demonstrate impartiality. Other advisory bodies are now in existence which provide similar functions, albeit some with a narrower remit than APPSI and advice ministers in a more informal manner, which are not NDPBs. An advisory body does not need to be an NDPB to undertake this function.

- Is this a function which needs to be delivered independently of ministers to establish facts and/or figures with integrity?

No. One non-statutory function of APPSI is to advise ministers about re-use of public sector information and this function should be independent of ministers. This function is about providing advice about re-use of public sector data, and not about establishing facts or figures with integrity. In addition, evidence suggests that APPSI's function in this area has diminished in recent years and delivery has (informally) been taken on by other advisory bodies.

## **7 Stage one: conclusion and recommendations**

The review concludes that non-statutory functions do not require to be carried out by APPSI. It has assessed possible delivery models and concludes that other advisory bodies are in existence, with similar remits to APPSI, such as the Open Data Institute and

the Open Knowledge Foundation, in addition to the Public Sector Transparency Board and its sector boards. Such bodies informally offer advice to ministers on re-use of public sector information. Abolishing APPSI will not diminish the level and quality of advice provided to ministers on re-use of public sector information.

In relation to APPSI's other non-statutory function '*to advise The National Archives and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry*' The National Archives will consider the most effective way for it to continue to gather expert and independent advice on the re-use of public sector information as part of its wider stakeholder engagement activities. It is proposed that these non-statutory functions continue until the transposition of Directive 2013/37/EU and the revision of the Re-use of Public Sector Information Regulations 2005. Whilst APPSI meets one of the three tests for continued NDPB status, technical expertise, other advisory bodies are not NDPBs, but also require technical expertise in information access and re-use.

The statutory function of reviewing complaints under the Re-Use of Public Sector Information Regulations 2005 will be replaced by new redress provisions carried out by another body with transposition of Directive 2013/37/EU. This is because APPSI would be unlikely to meet the requirements of impartiality and the ability to make binding decisions that are required by the amending Directive. Consultation on the redress options closed on 7 October 2014 and transposition is due to take place by 18 July 2015 at the latest.

**Recommendation 1:** The review recommends that the non-statutory function to advise ministers ceases to be carried out by APPSI as an advisory NDPB. The function is no longer required as other advisory bodies which do not have NDPB status carry out this role.

**Recommendation 2:** The review recommends that the non-statutory function to advise The National Archives and the Controller of Her Majesty's Stationery Office ceases to be carried out by APPSI as an advisory NDPB.

The National Archives should consider the most effective way for it to continue to gather expert and independent advice on the re-use of public sector information as part of its wider stakeholder engagement activities.

**Recommendation 3:** The review recommends that APPSI no longer carries out its non-statutory functions and can be abolished once its statutory function ceases to exist. This should be within three months of Directive 2013/37/EU being transposed and implemented in the UK or by 19th October 2015, whichever is earlier. The period of three months allows for APPSI to review any outstanding complaints under its current statutory role at the time of transposition.

#### Practical implications

Until its abolition, APPSI would continue to meet quarterly, although it is envisaged that appointments, other than the chair, would not be extended or advertised when current members' terms finish. The ongoing costs of the chair's honorarium, members travelling expenses, the provision of light refreshments at the quarterly meetings and secretariat support from The National Archives, which is equivalent to 0.5 of a full-time post, would continue until APPSI is abolished. The exception to this would be if a complaint required to be reviewed by APPSI during this period. In such a case 2-3 members and if required, an expert body, would be paid the daily base rate in line with Ministry of Justice policy

on arm's length bodies to review the complaint and publish recommendations. These costs are likely to be minimal and will be accounted for in line with The National Archives' budgeting and accounting arrangements.

Reference is made to APPSI in paragraph 20 of the Re-use of Public Sector Information Regulations 2005.<sup>6</sup> This paragraph and reference to APPSI will be removed once APPSI's statutory function is replaced in the revised regulations as part of the transposition of Directive 2013/37/EU.

After abolition, the APPSI website and associated published documents would be archived on the UK Government Web Archive site<sup>7</sup>. APPSI's records form part of The National Archives' retention schedules and The National Archives will make arrangements for selecting and transferring those worthy of permanent preservation in the normal way under the Public Records Act<sup>8</sup>

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<sup>6</sup> <http://www.legislation.gov.uk/uksi/2005/1515/regulation/20/made>

<sup>7</sup> <http://www.nationalarchives.gov.uk/webarchive/>

<sup>8</sup> <http://www.legislation.gov.uk/ukpga/Eliz2/6-7/51>



## Triennial Review of the Advisory Panel on Public Sector Information

### Background

The periodic review of Non-Departmental Public Bodies (NDPBs) is one of the ways the government ensures that it maintains a lean, but effective public sector.

A Triennial Review is a Cabinet Office mandated process for reviewing the functions of NDPBs, the appropriateness of the body's delivery mechanism and its governance arrangements. It must consider abolition, a move of the functions out of central government, bringing the functions in-house, merging with another body, delivery by a new Executive Agency and continued delivery by a NDPB.

A Triennial Review of the Advisory Panel on Public Sector Information (APPSI) is being conducted by The National Archives in two stages, in accordance with Cabinet Office guidance.

- **Stage 1** will look at core functions of APPSI, assess the need for these functions to continue and the structural options for continued delivery of these functions  
  
and, if the conclusion of Stage 1 is that APPSI should continue as a NDPB,
- **Stage 2** will examine the control and governance arrangements in place to ensure that APPSI is operating in line with government policy including good corporate governance, openness, transparency and accountability.

The Review Team is seeking views of stakeholders as part of Stage 1 and invites you to complete a questionnaire. A detailed list of the questions we are seeking answers to can be found below. Please feel free to answer either some or all of the questions in your response. Your responses may be quoted in Stage 1 report, but will only be attributed to you if you have indicated that we may do so. Wherever possible we would appreciate you giving examples to evidence your responses.

Responses to the questionnaire should be e-mailed to the Triennial Review mailbox 'APPSI Consultation' by midday on Friday 30 May 2014. If you would prefer to be interviewed by members of the Review Team either in person or by telephone please let us know via this email address. We will make every effort to accommodate your preference but cannot guarantee that an interview will be possible. Hard copy responses should be sent to Ms P Humphries, Chief Executive's Office, The National Archives, Kew, Richmond, Surrey TW9 4DU by the same deadline.

**Please note that Stage 1 of the review will not consider whether the remit of APPSI should be extended or changed. A detailed terms of reference appears as Appendix D.**

APPSI has a statutory function to consider and review complaints about re-use of public sector information under The Re-Use of Public Sector Information Regulations 2005, which implemented European Directive 2003/98/EC on the re-use of public sector information. Under this legislation, the conclusions of APPSI are not binding on the parties in respect of either complaints or reviews.

In June 2013, the European Council and Parliament adopted Directive 2013/37/EU amending the above Directive on the re-use of public sector information. With the implementation of the 2013 Directive, particularly its provisions regarding the possibility of an impartial review body required to make binding decisions, APPSI's statutory role will change. The future statutory function of APPSI is outside the scope of the Triennial Review and is being considered under the redress options as part of implementation of the EU Directive. The stage one report will make reference to how APPSI's function may change in line with the timescale to transpose the Directive.

APPSI's two other core functions will be considered as part of this review.

To help frame your responses we thought it would be helpful to quote the current costs of the APPSI which are:

Panel Members are paid travelling expenses. The Chair receives an honorarium, but other members are unpaid. For 2013/14 the total cost for claimed travelling expenses, the chair's honorarium and light refreshments for APPSI meetings was £6,300 Secretariat support is provided by The National Archives and is equivalent to 0.5 of a full-time post.

APPSI are appointed in line with the Code of Practice issued by the Commissioner for Public Appointments. Each appointment is up to three years. The cost for undertaking a public appointment recruitment process is on average c£8,000 every three years, the term of an APPSI member.

Alison Webster  
Peter Brooker  
**Triennial Review Team**  
1 May 2014

Appendix A – contd

Questions for Respondents

**NAME** ..... **ROLE:**.....

Please click here to indicate that your responses may be attributed to you

When completing this questionnaire, the Review Team would be grateful if you would consider both the **risks** and **benefits** presented by the current means of delivery and of alternative delivery options.

Theme	Questions
<p><b>1. Purpose</b></p>	<p>Is the function of advising ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information still required by government?</p> <p><i>Please consider:</i></p> <ul style="list-style-type: none"> <li>• Whether the function needs to continue and, if so why</li> <li>• Whether the function of APPSI is replicated in another body/group in whole or part</li> <li>• What evidence demonstrates how APPSI's contributions to various consultation exercises and reviews on access to, and management of public sector information had a demonstrable impact on policy or decision-making</li> <li>• What evidence demonstrates how APPSI's discussion papers on access to public sector information, and access to and management of information re-use had a demonstrable impact more generally</li> <li>• What evidence demonstrates APPSI 's influence on wider government policy objectives on access and management of public sector information</li> <li>• What evidence demonstrates a demand for the function or activity from government</li> <li>• How the function demonstrates a justifiable use of taxpayers' money</li> </ul>

Appendix A - contd

<b>2. Purpose</b>	<p><b>APPSI advises government about changes and opportunities in the information industry, through direct links with The National Archives and Controller of Her Majesty's Stationery Office. This ensures that licensing of Crown Copyright and public sector information is aligned with current thinking. Why is this this advisory role still required?</b></p> <p><i>Please consider:</i></p> <ul style="list-style-type: none"><li>• Why this advisory function needs to continue and, if so, what evidence supports your view</li><li>• What evidence demonstrates that the approach to licensing of Crown Copyright and public sector information has been directly influenced as a result of APPSI's advice</li></ul>
<b>3. Retaining functions in government</b>	<p><b>Could APPSI's functions detailed in sections 1 and 2 above be moved out of Central Government? What are the risks and benefits of doing so and what evidence supports your view?</b></p> <p><i>Please consider:</i></p> <ul style="list-style-type: none"><li>• What justification is there for retaining these functions in central government? What evidence supports your view?</li><li>• Whether there is an existing provider (or providers) in the following sectors that could deliver these functions:<ol style="list-style-type: none"><li>1. local government</li><li>2. the voluntary sector</li><li>3. the private sector</li></ol></li><li>• What precludes these functions being delivered by each of the sectors above? What risks and benefits are associated with each option</li><li>• Whether the functions could be privatised or delivered under contract by the voluntary or private sector</li><li>• Whether the functions could be delivered by a mutual, Community Interest Company or social enterprise</li><li>• What evidence supports your response</li></ul>

Appendix A - contd

<b>4. In-House options</b>	<p><b>Could functions of APPSI be brought in-house (to the National Archives or another body e.g. the Ministry of Justice)? What are the risks and benefits of doing so?</b></p> <p><i>Please consider:</i></p> <ul style="list-style-type: none"><li>• Why do functions of APPSI need to be delivered at arm's length from ministers</li><li>• Whether the functions can be delivered more efficiently or effectively by the Ministry of Justice, the National Archives, another existing agency of the Ministry of Justice or another body</li><li>• What costs and benefits of bringing the functions in-house might be</li><li>• What evidence supports your response</li></ul>
<b>5. Merger Options</b>	<p><b>Are you aware of any bodies with which APPSI could be merged? What are the risks and benefits of doing so?</b></p> <p><i>Please consider:</i></p> <ul style="list-style-type: none"><li>• Whether any other areas of central government or another NDPB deliver similar or complementary functions</li><li>• Benefits and risks of APPSI merging with each of these bodies</li><li>• Whether functions of APPSI duplicate work undertaken elsewhere</li><li>• What evidence supports your response</li></ul>

<p><b>6. NDPB Delivery</b></p>	<p><b>Why should <u>non-statutory</u> functions of APPSI continue to be delivered by a NDPB?</b></p> <p><i>Please consider:</i></p> <ul style="list-style-type: none"><li>• Whether APPSI's functions as detailed in sections 1 and 2 above:<ul style="list-style-type: none"><li>(i) are technical, needing external expertise to deliver</li><li>(ii) need to be, and be seen to be, delivered with absolute political impartiality – such as certain regulatory or funding functions</li></ul>or<ul style="list-style-type: none"><li>(iii) need to be delivered independently of ministers to establish facts or figures with integrity</li></ul></li><li>• How APPSI defines effective service delivery; how this is currently measured/assessed and reported; how well APPSI is delivering against these definitions</li><li>• The extent to which freedoms and flexibilities inherent in the NDPB model are being used to deliver the functions</li><li>• What evidence supports your response</li></ul>
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## Appendix B: List of stakeholders invited to contribute to the review

Professor David Rhind CBE – Chair of APPSI (2008 to present)

Bill Oates: APPSI member

David Lammey: APPSI member

Dean White: APPSI member

Duncan Macniven CBE: APPSI member

Hilary Newiss: APPSI member

Hugh Neffendorf: APPSI member

Keith Dugmore: APPSI member

Michael Jennings: APPSI member

Michael Nicholson: APPSI member

Patricia Seex: APPSI member

Professor Paul Longley: APPSI member

Phillip Webb: APPSI member

Robert Barr: APPSI member

Dr Shane O'Neill: APPSI member

Neil Ackroyd: previous APPSI member <sup>9</sup>

Richard Susskind - Previous chair of APPSI (2003 to 2008)

Peter Weinand – Previous Deputy chair of APPSI (2007 to 2013)

Christopher Corbin: APPSI Alumni member

European Commission

The Economic and Social Research Council

UK Campaign for Freedom of Information

NESTA

Market Research Society, Census and Geodemographics Group

Information Commissioner's Office

Transparency Team: Cabinet Office

Cabinet Office

Scottish Government

Northern Ireland Government

Welsh Government

National Statistician

H M Treasury

Library and Research Services for Parliament

Local Government Association

Carol Tullo: Director of Information Policy and Services: The National Archives

Jim Wretham: Head of Information Policy: The National Archives

Marcia Jackson: Head of Standards: The National Archives

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<sup>9</sup> Neil Ackroyd stood down as an APPSI member on 3 April 2014 after becoming Acting Director General and Chief Executive of Ordnance Survey.

Appendix B - contd

Invited to Stakeholder Views Group Meetings

Department for Transport

Cabinet Office

Department for Business, Innovation and Skills: Shareholder Executive

Office for National Statistics

Met Office

Rural Payments Agency

HM Customs and Revenue

Department for Work and Pensions

National Health Service

Department for Culture, Media and Sport

H M Treasury

Department for Communities and Local Government

The Open Data Institute

The Open Knowledge Foundation

The Open Data User Group

McKinsey Global Institute

Google

Special Advisor (Statistics) to the Public Administration Select Committee

## Appendix C: List of stakeholders who contributed to the review

Professor David Rhind CBE – Chair of APPSI (2008 to present)

Phillip Webb: APPSI member

Professor Paul Longley: APPSI member

Keith Dugmore: APPSI member

Hugh Neffendorf: APPSI member

David Lammey: APPSI member

Dean White: APPSI member

Duncan Macniven CBE: APPSI member

Peter Weinand – Previous Deputy chair of APPSI (2007 to 2013)

Christopher Corbin: APPSI Alumni member

Market Research Society, Census and Geodemographics Group

Carol Tullo: Director of Information Policy and Services: The National Archives

Jim Wretham: Head of Information Policy: The National Archives

Marcia Jackson: Head of Standards: The National Archives

## Appendix D: Terms of Reference for the Triennial Review of the Advisory Panel on Public Sector Information

### **Triennial Review of the Advisory Panel on Public Sector Information**

#### **AN ADVISORY NDPB SPONSORED BY THE NATIONAL ARCHIVES**

##### **Terms of Reference**

To review the functions of the Advisory Panel on Public Sector Information (APPSI) in reviewing and considering complaints under The Re-Use of Public Sector Information Regulations 2005 and advise on the impact of the complaints procedures under those regulations; advise Ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information; and advise The National Archives and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry, so that the licensing of Crown copyright and public sector information is aligned with current and emerging developments.

To consider the effectiveness of how the functions are currently delivered, whether there is a continuing need for the functions and how these might be best delivered in the future. In doing this, the review will identify and consider alternative delivery options and compare these with the existing operating model.

APPSI considers and reviews complaints about re-use of public sector information under The Re-Use of Public Sector Information Regulations 2005 which implemented European Directive 2003/98/EC on the re-use of public sector information. Under this legislation, the conclusions of APPSI are not binding on the parties in respect of either complaints or reviews.

In June 2013, the European Council and Parliament adopted Directive 2013/37/EU amending the above Directive. With the implementation of the 2013 Directive, particularly its provisions regarding the possibility of an impartial review body requiring to make binding decisions, APPSI's statutory role will change. The future statutory function of APPSI is outside the scope of the Triennial Review and is being considered under the redress options as part of implementation of the EU Directive. The Stage 1 report will make reference to how APPSI's function may change in line with the timescales to transpose the Directive.

Issues to consider should include:

- The role APPSI undertakes on:
  - Advising Ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information
  - The impact of APPSI's contributions to various consultation exercises and reviews

- The impact of APPSI's discussion papers on greater information re-use
- The impact of the advice offered by APPSI to The National Archives and to the Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry and how that has assisted in aligning current and future developments of the licensing of Crown copyright and public sector information
- Whether APPSI meets the needs of its stakeholders and, if not whether those needs are being addressed elsewhere
- Any ongoing work or planned work by APPSI to improve the efficiency and effectiveness of delivering the functions
- The structure and membership of APPSI and how secretariat support is provided
- Other functions currently undertaken

The review will make recommendations to Cabinet Ministers based on analysis of the issues covered in paras 1-3. In considering alternative options, the review should outline any likely transition costs, resources and when would be the optimum time for change. If recommendations are to retain the existing model, then the review should identify any aspects where delivery can be improved.

### **Time and costs**

The review will start on 27 March and will report by end of July 2014 on Stage One of the review. The costs of the review will be minimal, mainly travel costs, which will be met within departmental budgets.

### **Governance**

The review is conducted on behalf of the Secretary of State for Ministry of Justice and will be overseen by Simon Hughes, Justice Minister and by The National Archives' Management Board

### **Conduct of the Review**

The reviewers will consult with officials in The National Archives, members of APPSI, other key stakeholders, including creators and re-users of public service information.

## Appendix E: Members of the Advisory Panel on Public Sector Information

### **CHAIRMAN: Professor David Rhind CBE**

Professor David Rhind is Chairman of Portsmouth Hospitals NHS Trust and of the Bank of England Pension Trustee. He is also a Non-Executive Director of the UK Statistical Authority and is a Trustee of the Nuffield Foundation. He was a Non-Executive Director of the Bank of England until summer 2009 and was Chairman of the Statistics Commission for five years until March 2008. Until July 2007, he was Vice-Chancellor of the City University, London and before that he was Director General of Ordnance Survey Great Britain. Awarded the CBE in 2001 for services to social and geographical sciences, he is a Fellow of the Royal Society and an Honorary Fellow of the British Academy.

### **Robert (Bob) Barr**

Throughout his career, Bob Barr has worked with public sector information as an academic, commercial developer, and recently as an elected local government member. He has worked primarily as a specialist on geospatial information, but has a broad knowledge of Public Sector Information (PSI) and the economic debates surrounding it. Bob has a very tangible enthusiasm for PSI, and is persuasive in communicating his creative ideas for its development.

### **Keith Dugmore**

Keith Dugmore is Director of Demographic Decisions, a consultancy advising on the use of demographic data, and also founded the Demographics User Group (which represents large commercial users of public data to Government). He previously held a number of directorships and managerial posts in the private and public sectors. He is a Fellow and former Council Member of the Royal Statistical Society, has chaired its Statistics User Forum, and is an invited member of various Economic and Social Research Council advisory committees. His appointment is as an expert member in statistics.

### **Michael Jennings**

Michael Jennings retired in July 2009 as the Acting Deputy Chief Executive at Surrey County Council. Before that he held a succession of director posts at the County Council, and prior to that management posts at the Greater London Council. He has been Co-Chairman of the Central-Local government Information Partnership (CLIP); Chairman, successively of local government's Geographic Information, Information Management, and e-Government Groups; Founding Chairman of the Local Government Information House Ltd (LGIH); a Member of the Statistics Advisory Committee (a predecessor of the Statistics Commission and Authority); a Member of the Census 2011 Review Group; and a Member of the info4local.gov Steering Group. He is the Senior Independent Director at the Kingston Hospital NHS Foundation Trust.

### **David Lammey**

David Lammey is Head of the Information Management & Central Advisory Branch, in the Office of the First Minister and Deputy First Minister (OFMDFM). He was previously Head of the Central Freedom of Information team in OFMDFM and, before that, Head of Records Management and Administration in the Public Record Office of Northern Ireland (PRONI), where he worked for 17 years. David is the author of a wide range of official publications concerning records management and access to information issues. A keen historian, he has also published articles in academic journals on Anglo-Irish relations in the modern era and, most recently, contributed several biographies to the New dictionary of national biography (Oxford University Press).

Appendix E -contd

### **Paul Longley**

Professor Paul Longley is an academic specialising in the exploitation of geospatial information, and has been working at University College London since 2000. He is authoritative and passionate about his involvement in developing a wide range of PSI applications and is very familiar with academic developments in the area worldwide. He has a comprehensive technical knowledge of PSI and has worked on innovative projects within a variety of sectors including education, health and policing.

### **Duncan Macniven CBE**

Duncan Macniven, representative member for Scotland, has 25 years experience in the Senior Civil Service in Scotland, and was Registrar General for Scotland between 2003 and 2011. As Registrar General, he was responsible for running the 2011 Census in Scotland, publishing demographic statistics about Scotland, and providing a wide range of family history information online. He represented Scottish public bodies in initiating and overseeing the One Scotland Mapping Agreement with Ordnance Survey. He has an MA and MLitt in History from Aberdeen University and honorary degrees of LLD from Robert Gordon University and Aberdeen University. He was awarded the CBE in 2012.

### **Hugh Neffendorf**

Hugh Neffendorf, representative member for the developer community, has a broad strategic and technical knowledge of PSI, gained from his extensive and long-standing consultancy work advising on PSI and developing PSI products with a variety of public and private sector organisations. He has particular knowledge of official statistics, derived and modelled data, geospatial information, addressing and the transport sector, as well as a clear grasp of the commercial issues surrounding PSI, and provides advice on the potential development of PSI and modern operational delivery. He is also familiar with commercial sources of information and their relationship with PSI. Hugh manages the independent consultancy Katalysis and is also a Visiting Professor in Geography at the University of Southampton.

### **Hilary Newiss**

Hilary Newiss was a partner and Head of Intellectual Property at a city firm of solicitors. Since leaving the city she has concentrated on public service and policy in the Intellectual Property, health/science and technology fields. She has served on the Human Genetics Commissions for six years and the Intellectual Property Advisory

Committee. Currently she is a trustee of the Roslin Foundation, Charleston and a member of the National Information Governance Board for Health and Social Care.

### **Michael Nicholson**

Michael Nicholson BSc(Hons) FRICS, is Managing Director of Intelligent Addressing Ltd; Deputy Chair of the PSI Alliance; former Chair of the Locus Association, a body of private sector companies concerned by the re-use of PSI.

## Appendix E – contd

### **Bill Oates**

Bill Oates is Head of Cartographics at the Welsh Government. He is leading a programme to implement the INSPIRE Directive in Wales and to maximise the benefits of geographic information created and used by the 8,000 staff of the Welsh Government and its associated bodies. He is also actively participating in other PSI initiatives in Wales, and is a member of the Delivery Board for the programme of works associated with the UK Location Strategy.

### **Shane O'Neill**

Dr Shane O'Neill is founder of a leading Public Sector Information strategic consultancy business (Shane O'Neill Associates). Shane's career has focussed on information publishing in many different vertical markets. He has held Board appointments in the UK, USA, Germany and Australia, bringing a wide and varied perspective to PSI related matters. Shane is chairman of ELGIN, a private sector company dedicated to the opening up of local transport data and which manages [roadworks.org](http://roadworks.org), the national roadworks portal.

### **Patricia Seex**

Patricia is a development economist specialising in understanding when markets work, when markets fail and government intervention to address market failure. She has worked with the UK Department for International Development (DFID), the World Bank in Washington DC, and previously with the Institute for Public Policy Research in London, for the Mayor for London with GLA Economics, and for economic consultants PACEC.

### **Phillip Webb**

Phillip Webb was Chief Executive of the Police Information Technology Organisation (PITO) from 2001 until his retirement in March 2007. Phillip is a Fellow of the British Computer Society (BCS), Chartered IT Professional, Fellow of the Royal Society of Arts and a Freeman of the Worshipful Company of Information Technologists. He continues

to enjoy regular lecturing engagements and has published and spoken extensively on ICT, Knowledge Exploitation and Risk Management.

### **Dean White**

Dean White has 18 years experience working in NHS information policy and practice on a national level, the last 12 of which have been at the NHS Information Centre. Dean has an up-to-date awareness of current PSI legislative and policy developments, and strong experience at work at the interface between open data and commercial exploitation of PSI in the health domain - an area of rapid development.