

Transparency Board Minutes
11.03.2014

TRANSPARENCY BOARD

Transparency Board Members:	
Francis Maude Minister for the Cabinet Office	Steve Thomas Experian
Simon Hughes Minister of State, Justice	Andrew Stott Transparency & Digital Engagement advisor
Liam Maxwell Government Digital Service	Professor David Rhind , Advisory Panel on Public Sector Information
Stephan Shakespeare , YouGov	Bill Roberts , SWIRRL
Heather Savory , Open Data User Group	Sir Mark Walport , Government Chief Scientific Advisor
Dr Rufus Pollock Open Knowledge Foundation	Nick Hurd Minister for the Civil Society, Cabinet Office

Officials (Regular Attendees):	
Malcolm Scott Department of Business, Innovation and Skills	Paul Maltby Director, Open Data and Innovation Group, Cabinet Office
Chris Fleming Science Capability & Networks, GO-Science	Oliver Buckley Deputy Director – Transparency Team, Cabinet Office
Joanna Shayer Private Secretary, MCO, Cabinet Office	Olivia Burman Transparency Team, Cabinet Office
Simon James Deputy Director, Information Rights and Devolution, Ministry of Justice	Matt Lloyd Transparency Team, Cabinet Office

Officials (Presenting):	
Baroness Stowell Parliamentary Under Secretary of State, DCLG	Hannah-Jane McNamara Deputy Director, Climate Change and Sustainable Buildings, DCLG
Mary Gregory NEED Project Manager, DECC	Duncan Millard Head of Statistics, DECC
Dan Rogerson Parliamentary Under Secretary of State for Water, Forestry, Rural Affairs and Resource Management	Zoe Fitzsimmons Private Secretary, Dan Rogerson, Defra
Paul Leinster Chief Executive, Environment Agency	Miranda Kavanagh Director of Evidence, Environment Agency
Tim Kelsey National Director for Patients and Information, NHS England	Dr Mark Davies Medical Director, HSCIC

Tim Carter Care.data communications	Pete Lawrence Deputy Director – Data Sharing Team, Cabinet Office
Ed Parkes Senior Programme Manager, Open Data Challenge Series, NESTA	Hadley Beeman GDS

Apologies:	
Prof Sir Tim Berners-Lee Open Data Institute	Mike Bracken, Government Digital Service
Matthew Hancock Minister for Skills	Fiona Caldicott Caldicott Review
Carol Tullo Director, Information Policy and Services, The National Archives	Professor Sir Nigel Shadbolt, Open Data Institute

Department for Communities and Local Government update

- Baroness Stowell reiterated Department for Communities and Local Government's (DCLG) commitment to increasing transparency, particularly regarding access to energy performance data and set out current DCLG achievements for Open Data:
 - DCLG currently provide access to Energy Performance Certificates (EPC) for specific addresses via the EPC register website.
 - Since 2012, DCLG have charged for access to bulk EPC data in a format tailored to user. From April 2014, more EPC data will be available in its raw form via the Open Data Communities Service. However, the tailored service will still be available.
 - Public Authority buildings are now included in the data which is provided free of charge.
 - By October, DCLG hope to provide full access to the data, free of charge.
- Concerns expressed from the Information Commissioner are being addressed regarding the potential privacy and security implications from the release of this data.
- Baroness Stowell has spoken to ODUG regarding the business case for the Release of Data Fund.

Comments

- The board commented that work must be done to ensure that data cannot be de-anonymised through the 'mosaic effect'.

Department of Energy and Climate Change update

- Mary Gregory gave an update on Department of Energy and Climate Change's (DECC) progress on the release of National Energy Efficiency Data framework (NEED).
 - Multiple datasets make up the NEED framework, including EPCs, energy consumption, deprivation data and address data.
 - A consultation was undertaken along with stakeholder workshops. 15 responses received, all of which requested that more data be published and also gave positive feedback on the anonymisation process.
 - DECC proposes to publish two datasets:
 - Public use dataset which will be available via government website and comprises 50,000 records.

- End user licence dataset will have circa 4 million records via the UK Data Archive End User Licence Agreement.
- The UK Data Archive licence was used rather than the Open Government Licence (OGL) because the data needs to be kept secure and DECC is working with data from private companies who request a certain level of security.
- If OGL is used, then some data would need to be removed; namely geographical data.
- NEED and Smart Meter data are related, but will be treated separately. Data from Smart Meters will only be available to DECC on an annual, or at most, quarterly basis. The issue of consent will have to be explored further before this can be considered.

Comments

- The OGL should be used as the default for all government data releases, and failure to use it in this instance risks damaging the UK's reputation on the Open Data agenda
- If OGL cannot be used, then further steps need to be taken to anonymise the data.

Actions

- **Duncan Millard to follow up request for information on Smart Meters with Liam Maxwell.**
- **DECC will work with board members and other government departments in relevant areas to explore best practice approaches to anonymisation.**
- **DECC will explore the possibility of going further than their current plans and release more of the data under OGL and will report to the Transparency Board what they believe can be achieved.**

DEFRA/Environment Agency update

- Paul Leinster stated that the Environment Agency (EA) do currently make some datasets available - for academic use, non-commercial use or the development of commercial use (with restrictions and fees coming into effect once data is used commercially).
- When considering further release of EA data as Open Data, one issue is embedded 3rd party rights, particularly those related to Ordnance Survey (OS) with whom licensing discussions are being had.
- The recurring cost of releasing flood warning data is £3.1m. The annual revenue generated from licensing of key flood data is around £1.5m and would be lost if flood data is released.
- An additional issue would be the risks of third party suppliers providing incorrect flood warnings to the public; however, this is not a barrier to the release.

Comments

- The view of the Board is that it would be preferable for the data to be released in its raw form, with any loss of revenue to be reviewed at a later date, with the assumption that the public benefit of the release of this data would outweigh any financial loss.
- With regard to third parties providing incorrect information, the Met Office had a similar issue, which they solved by releasing more data in its raw format and making it more accessible to increase accuracy. They also branded their data and products, so that any alerts issued by the Met Office would be recognised as official.
- Concern was expressed about the role of derived data restrictions on OS data in enabling full release.

Actions

- **Minister for the Cabinet Office and Mark Walport to discuss and send paper to the Prime Minister on geospatial data.**
- **EA has committed to publishing as much of its data as possible, including flood data, as Open Data. In the first instance, and in response to the recent extreme flooding episodes, the release will include permanent access to flood warnings, flood alerts and river levels data as Open Data. They emphasise that this is only the start. Releasing the data will take some time but they will make as much data open as quickly as possible. The EA's detailed plan for releasing its flood data as Open Data will be published in April.**
- **They will work with Government Digital Service to ensure that optimal technical solutions are produced and with the Cabinet Office Transparency Team in order to ensure that third party rights issues are effectively managed.**

Care.data update

- Tim Kelsey gave an update on the status of care.data. He outlined the main aims:
 - Enable improved planning of healthcare services.
 - Help develop and identify effective medicines.
- This data has been captured and provisioned from hospitals for years, and this expansion would be to create a minimum dataset which links to GP records.
- During the debate of the Health and Social Care Bill (2012) Parliament identified that data collection in relation to this data was so important that a 'right to object' option should not be provided. Since then the Secretary of State has exercised rights conferred on him through the Bill to direct HSCIC to give patients this right, in recognition of the importance of patient choice, especially when it comes to their data.
- The inclusion of the right to object meant patients needed to understand the details around the use of their data, including making them aware that their data may have already been used through hospital records and by their GPs. GPs were made aware of the programme in the autumn but little feedback was received. A six month 'pause' has since been brought in to ensure the programme messages are understood by all.
- At the same time, additional safeguards are being brought through amendments to the Health and Social Care Bill with the aim of:
 - Enshrining in statute a legal right to object.
 - Creating an independent statutory body to administer the data.
 - Clarifying that the data should only be used for health benefit.
 - Ensuring data is only made available at most on a cost recovery basis (and where relevant and possible, for free).

Comments

- It was highlighted that the Caldicott Review provides the underpinnings to support the things that the care.data programme is trying to achieve, for example the work on safe havens, and that one significant issue around care.data is the clarity on who has access to what level of anonymised data.
 - The Health and Social Care Act is clarifying the fact that there are three types of data – identifiable, non-identifiable, and de-identified data; and that de-identified data is not the same as anonymised.
- The importance of comprehensive engagement with health charities was highlighted, citing the example of the reduction of amputations in diabetics in Scotland through making use of patient data; and engaging through charities.
 - A similar conversation was had in relation to identity assurance, and this was accomplished through talking directly to citizens and ensuring the messages were conveyed in a simple way, and drawing on parallels that people are familiar with.

- It was highlighted that up until now the ICO does not have statutory power to audit NHS bodies in relation to the Data Protection Act. Following a consultation they will have the power to do so from the autumn.

NESTA – Open Data Challenge series

- NESTA are running 7 challenges, of which 3 have been decided and are underway.
- The judging criteria are:
 - Innovation
 - Societal impact
 - Effectively use of data
 - Business model
- The Crime and Justice Challenge was won by ‘Check that Bike’ which allows users to check whether a second hand bike is stolen before it is bought, by using a unique frame number.
- The initial judging for the Education Challenge is taking place this weekend. The data being used is the National Pupil Database (pilot access) and admissions and applications data from Haringey Council.
- Bristol City Council will be hosting the Energy and Environment Challenge which aims to develop services for communities to create their own energy, create energy efficiency interventions and group buy their energy. NEED and EPC data would be very beneficial for this challenge.
- Four more challenges to be run and themes need to be decided. Housing and Land registry has potential for a challenge theme.

AOB/Forward Look

- Item for next meeting: The scalability of the work of the Board should be discussed. There is the potential for the discussion and advice of the Board to have a wider impact.
- It was suggested that the Board provide a list of key problems that have been discussed and solutions recommended by the board.
- Clear standards for data release should be laid out with possible involvement with the National Statistician.

Actions

- **Members of the board will provide a ‘wish list’ of departments and agenda items to be considered for future agendas.**
- **The board will look at ways to ensure that meetings are channelled into meaningful action (such as blogging, increasing awareness etc).**
- **The board should feed into a cross-Whitehall senior leaders’ group to ensure that the actions and best practice from meetings are carried forward in departments.**