UNITED KINGDOM PROGRESS REPORT 2011–2013

Kevin Dunion
Centre for Freedom of Information
First Progress Report

Open Government Partnership
INDEPENDENT REPORTING MECHANISM

Centre for Freedom of Information

INDEPENDENT REPORTING MECHANISM:

UNITED KINGDOM
PROGRESS REPORT 2011–13

INDEPENDENT REPORTING MECHANISM (IRM):
UNITED KINGDOM
PROGRESS REPORT 2011–2013

The United Kingdom (UK) action plan focussed on innovations in open data and online service delivery. The majority of commitments were achieved, although some ambitious commitments around open data remain to be implemented. The UK consultation, initially lacking, has seen significant improvement since the development of the first action plan.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of each OGP participating country's activities.

One of the eight founding countries of the OGP, the UK began formal participation in September 2011.

The Cabinet Office Transparency Team, responsible for promoting transparency across government, led OGP in the UK. The action plan took place within a broader context of other open data and transparency initiatives. A number of consultative groups were established, some prior to the OGP action plan, such as the Public Sector Transparency Board and the Open Data Users Group. These groups include specialists in handling public sector data and data experts from business and academia.

OGP PROCESS

Countries participating in OGP follow a process for consultation during development of their OGP action plan and during implementation.

During the formulation of the OGP action plan, other extensive consultations were on–going, such as the process for "Making Open Data Real." To a great extent, this consultation may have contributed to the formulation of the UK action plan. There was not, however, a separately constituted action plan on the OGP action plan. Such a consultation might have been more wide reaching and inclusive.

Following the action plan formulation and submission, the UK Government proposed public consultations through recently constituted Public Sector Transparency Boards. Nonetheless, it is unclear to what extent structured external consultation took place, if at all.

During the implementation period, consultation initiatives improved. These efforts included the Public Sector Transparency Board, the Welfare Sector Transparency Board, and the Open Data Users Group. These relatively small groups have a select membership drawn from industry, academia, and nongovernmental organisations (NGOs), as well as from government and other public bodies. This sectoral and focussed approach may lead to greater ownership and delivery of certain OGP commitment outputs, but runs the risks attached to exclusivity and of representing only those selected by government.

This report was prepared by Kevin Dunion, Executive Director of the Centre for Freedom of Information.

AT A GLANCE

MEMBER SINCE: **2011**
NUMBER OF COMMITMENTS: **41**

LEVEL OF COMPLETION

COMPLETED:	17 out of 41
IN PROGRESS:	20 out of 41
NOT STARTED:	0 out of 41
UNCLEAR:	0 out of 41
WITHDRAWN:	4 out of 41

TIMING

AHEAD/ON SCHEDULE:	21 out of 41

COMMITMENT EMPHASIS

ACCESS TO INFORMATION:	25 out of 41
CIVIC PARTICIPATION:	6 out of 41
ACCOUNTABILITY:	8 out of 41
TECH & INNOVATION FOR TRANSPARENCY & ACCOUNTABILITY:	9 out of 41

GRAND CHALLENGES

SAFE COMMUNITIES:	0 out of 41
CORPORATE RESPONSIBILITY:	1 out of 41
PUBLIC SERVICES:	8 out of 41
PUBLIC RESOURCES:	3 out of 41
PUBLIC INTEGRITY:	15 out of 41

IMPLEMENTATION OF COMMITMENTS

Table 1 summarises the 41 commitments made by UK and gives the IRM researcher's assessment of each commitment's level of completion, whether each is on schedule, and key next steps. The UK plan focussed primarily on online service delivery and access to information.

Table 2 summarises the IRM researcher's assessment of progress on each commitment.

Table 1 | Assessment of Progress by Commitment

THEMATIC CLUSTER	SYNOPSIS	LEVEL OF COMPLETION				TIMING	NEXT STEPS
		NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	Ahead of schedule, behind schedule, or on schedule?	
Right to Data: Strengthening the Right to Datasets	**1. A new power** for appropriate independent organisations to secure release of valuable public datasets, in suitable format, quality and regularity	Withdrawn				NA	Significant revision of the commitment
	2. A new, higher cost cap for freedom of information for data held within IT systems procured after July 2012	Withdrawn				NA	Significant revision of the commitment
Right to Data: Reforming Data Request Initiatives	**3. Meaningful disincentives** for public bodies and public servants found to have withheld data that should have been released	■	■			Behind schedule	Further work on basic implementation
	4. Maximum time limits for how long public bodies can review appeals against Freedom of Information Act (FOI) refusals	■	■			Behind schedule	Further work on basic implementation
Right to Data: Strengthening Information Technology (IT) Protocols	**5. Altered procurement rules** to ensure that data created by government is stored in IT systems which minimise the cost and difficulty of publishing data online	■	■	■		Behind schedule (see full text)	Extension building on existing implementation
	6. Mandating a phased introduction of 'Public by Default', delivered through a new generation of IT systems and accompanying policies	■	■	■		Behind schedule (see full text)	Extension building on existing implementation
Setting Standards: Public Data Principles	**7. Formalising Public Data Principles** articulated by the Public Sector Transparency Board, through a Code of Practice or opt–in process	■	■	■	■	On schedule	Maintenance and monitoring

THEMATIC CLUSTER	SYNOPSIS	LEVEL OF COMPLETION				TIMING	NEXT STEPS
		NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	Ahead of schedule, behind schedule, or on schedule?	
Setting Standards: Public Data Principles	**8. Having in place an Open Data compliance monitoring process** which outlines how, when and where public service providers should report their progress	■	■	■	■	On schedule	Maintenance and monitoring
Setting Standards: Implementing Public Data Standards	**9. Making clear the minimum that citizens can expect on publication and quality of data**, including compliance with public data principles	■	■	■		On schedule	Extension building on existing implementation
	10. Ensuring a line of continuous improvement for public service providers in achieving the highest ratings for their published data when compared against the Five Star Rating for Open Data	■	■	■	■	On schedule	Extension building on existing implementation
	11. Encourage continuous improvement by adoption of recommended publication formats appropriate to the context	■	■	■		On schedule	Extension building on existing implementation
Setting Standards: User Feedback and Accountability Mechanisms	**12. Setting out how citizens can challenge where there is failure in the process** (although we expect the public will rarely need to revert to this because data will be proactively published)	■	■			Behind schedule	Significant revision of the commitment
	13. Establishing an obligation to consider and, if appropriate, act on user feedback, even where it has been collected independently of the public body or public service provider	■	■			Behind schedule	Significant revision of the commitment
Setting Standards: Data Licensing	**14. Making clear that, with very narrow restrictions, licences must cover free, commercial re–use** with public service providers not normally selling data	■	■	■	■	Ahead of schedule	Maintenance and monitoring
Setting Standards: Metadata and Data Definitions	**15. Merge information asset registers, publication schemes and other data lists into a single data inventory,** alongside which would sit the 'unlocking service'	Withdrawn				NA	Significant revision of the commitment

THEMATIC CLUSTER	SYNOPSIS	LEVEL OF COMPLETION				TIMING	NEXT STEPS
		NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	Ahead of schedule, behind schedule, or on schedule?	
Setting Standards: Metadata and Data Definitions	**16. Ensuring a line of continuous improvement for public service providers** in achieving the highest ratings for their published data when compared against the Five Star Rating for Open Data	■	■	■		On schedule	Significant revision of the commitment
	17. Set consistent expectations of the appropriate quality of meta–data	■	■			Behind schedule	Significant revision of the commitment
Corporate and Personal Responsibility: Privacy and Public Sector Transparency Board	**18. Introducing corporate responsibility at Transparency Board level** to ensure that the right to data is being met, based on the Caldicott Guardian model	■	■	■	■	On schedule	Maintenance and monitoring
	19. Strengthening the role and broadening the membership of the Public Sector Transparency Board chaired by the Minister for Cabinet Office	■	■	■	■	On schedule	Maintenance and monitoring
Corporate and Personal Responsibility: Other Public Sector Transparency Boards	**20. Bringing the Sector Transparency Board model to other parts of the public secto**r that hold datasets of greatest value	■	■	■	■	Ahead of schedule	Maintenance and monitoring
	21. Reviewing the existing governance and regulatory model for public sector information in government	■	■	■	■	On schedule	Maintenance and monitoring
Collecting and Publishing the Right Data: Data Inventories	**22. Establishing a framework for public service providers to have common, consistent and transparent data inventories** outlining what datasets are held, and whether they are open or not	■	■			Behind schedule	Significant revision of the commitment
	23. Developing a clear methodology to support intelligent inventories that are prioritised by value	■	■			Behind schedule	Significant revision of the commitment
Collecting and Publishing the Right Data: Improving Efficiency of Access	**24. Ensuring a clear process to support a reduction in collections of 'unnecessary data'**, which maximises opportunities to streamline the volume of data we collect	Withdrawn				NA	Significant revision of the commitment

CLUSTER NAME	SYNOPSIS	LEVEL OF COMPLETION				TIMING	NEXT STEPS
		NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	Ahead of schedule, behind schedule, or on schedule?	
Collecting and Publishing the Right Data: Improving Efficiency of Access	**25. Developing data.gov.uk and identifying other digital channels to support users** in finding and accessing relevant high quality data and easy to use tools and applications	■	■	■	■	On schedule	Maintenance and monitoring
Maximise the Opening Up of Data	**26. Routinely publishing evidence and databases behind policy statements** in the way that currently happens around budget statements	■	■			Behind schedule	Extension building on existing implementation
	27. Routinely publishing the data underlying surveys at the same time as the survey analysis is published	■	■			Behind schedule	Extension building on existing implementation
	28. Examining ways for improving the use of existing published data for policy and research purposes	■	■			Behind schedule	Extension building on existing implementation
Stimulate the Market for Innovative Use of Open Data	**29. Stimulate the market for innovative use of open data by requiring public service providers to report each year** on how they are building collaborative relationships with the user community	■	■			Behind schedule	Extension building on existing implementation
Overseas Development Assistance	**30. Spend up to 5% of budget support on strengthening local accountability** to support progress for related OGP goals	■	■	■	■	On schedule	Extension building on existing implementation
	31. Include the OGP eligibility criteria and related datasets in assessment processes to determine readiness of partner governments for UK budget support	■	■	■		On schedule	Extension building on existing implementation
	32. Publish aid information from all government departments who spend overseas development assistance (ODA) in line with the International Aid Transparency Initiative (IATI) standards	■	■	■		On schedule	Extension building on existing implementation

CLUSTER NAME	SYNOPSIS	LEVEL OF COMPLETION				TIMING	NEXT STEPS
		NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	Ahead of schedule, behind schedule, or on schedule?	
Information and Communications Technology (ICT): Going Digital	**33. Use a single domain for government services.** The Government will work to make citizen-focussed transactional services 'digital by default.' Where appropriate this will be done by using Directgov as the single domain for citizens to access public services and government information. For those for whom digital channels are less accessible (for example, some older or disadvantaged people) the Government will enable a network of 'assisted digital' service providers					On schedule	Further work on basic implementation
	34. To make citizens' lives simpler and easier, the Government will mandate 'channel shift' (move online) in selected government services					On schedule	Further work on basic implementation
ICT: Improving Public Engagement through ICT	**35. Go online for all consultations:** To facilitate a two–way dialogue with citizens, departments will ensure that an online channel is included in all government consultations					On schedule	Extension building on existing implementation
	36. Develop practical guidelines on departmental access to the internet and social media channels, to embed social media as a mainstream channel used routinely to engage with citizens, business and internally					On schedule	Extension building on existing implementation

CLUSTER NAME	SYNOPSIS	LEVEL OF COMPLETION				TIMING	NEXT STEPS
		NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	Ahead of schedule, behind schedule, or on schedule?	
ICT: Improving Interfaces	**37. Open data and application interfaces in ways that encourage businesses** and social providers to develop new market opportunities	■	■			Behind schedule	Further work on basic implementation
	38. Create cross–government standards on automated programming interfaces (APIs) and develop a quality assurance 'kite–mark'	■	■			Behind schedule	Further work on basic implementation
	39. Establish standardised formats for user satisfaction data so that users can compare and contrast their experience of the service they receive with that of others	■	■			Behind schedule	Further work on basic implementation
ICT: Developing Open Data Standards	**40. Provide government documents in open standard format:** The first wave of compulsory open standards will determine, through open consultation, the relevant open standard for all government documents	■	■	■	■	On schedule	Extension building on existing implementation
	41. Implement crowd–sourcing and engagement processes, to ensure that appropriate data is transparent and shared rather than duplicated	■	■	■	■	On schedule	Extension building on existing implementation

Tabel 2 | Summary of Progress by Commitment

COMMITMENT	SUMMARY OF FINDINGS
1. New power to secure release of valuable datasets 2. New, higher cost cap for FOI	**Cluster 1. Right to Data: Strengthening the Right to Datasets** Requests for information in datasets can be made under the Freedom of Information Act 2000. This set of commitments would have further empowered interested persons to make requests of government data. However, both commitments were marked "withdrawn" by the UK Government in its self–assessment report. The reasons for withdrawal are unknown. These commitments will require significant revision to be included in the next phase of OGP activity.
3. Meaningful disincentives 4. Maximum time limits	**Cluster 2. Right to Data: Reforming Data Request Initiatives** This cluster of commitments would strengthen the system of requesting FOI data by establishing disincentives for those who withhold data and shortening the potential appeals processes for data denial. The action plan does not specify what meaningful disincentives the government had in mind. The IRM researcher has found progress in each of these commitments to be limited. The government proposals do not go much further than the existing guidance issued to public authorities by the UK Information Commissioner. Further work on basic implementation of this commitment is required and is underway.
5. Altered procurement rules 6. Mandating phased introduction of 'Public by Default'	**Cluster 3. Right to Data: Strengthening Information Technology (IT) Protocols** Substantial progress has been made on these commitments, but, at the time of assessment, they were behind schedule. The scale and the aspiration of the commitments on Public by Default standard and ensuring that information is stored in a manner that makes it capable of disclosure in suitable formats stretches government practice well beyond that which existed before the action plan. The IRM researcher recommends extension of these commitments, building on existing implementation. These commitments will be delivered only when the technical capability and principles of collecting, managing and disclosing public data are aligned.
7. Formalising Public Data Principles 8. Having in place an Open Data compliance monitoring process	**Cluster 4. Setting Standards: Public Data Principles** The UK self–assessment report describes these commitments as having been fulfilled and on schedule. The Public Data Principles have been incorporated into the "Open Data White Paper" as policy for central government departments. Monitoring underperformance is provided by a quarterly written Ministerial statement to Parliament, which details departmental progress and achievements to the standards and published commitments. These commitments go beyond previous government practice by elevating the public data principles to become policy for central government departments. The challenge will come if performance in some departments continues to be below the standard required. The question then is: What levers will be used by the Cabinet Office to secure improvement?
9. Making clear the minimum citizens can expect on publication and quality of data 10. Ensuring a line of continuous improvement for public service providers 11. Encourage continuous improvement	**Cluster 5. Setting Standards: Implementing Public Data Standards** Although implementing this set of commitments is largely on schedule, assessment of progress is mixed. As previously indicated, written Ministerial statements demonstrate that departmental strategies are not necessarily carried out to a satisfactory level of performance. The policy of continuous improvement includes a commitment to achieving the five–star quality standard in data publication. However, achieving the five–star standard remains aspirational because departmental commitments, as set out in the open data strategies, are to publish everything "where possible" at a minimum three–star quality. The IRM researcher recommends extension of this commitment by building on existing implementation. An emerging issue is how to make the information useful and meaningful to stakeholders, rather than simply making ever more data available.

COMMITMENT	SUMMARY OF FINDINGS
12. Setting out how citizens can challenge where there is failure in the process	**Cluster 6. Setting Standards: User Feedback and Accountability Mechanisms** The UK self–assessment says the commitments in this cluster are partially fulfilled. The IRM researcher supports the conclusion that progress is limited. The commitment would have stretched government practice by committing to an independent mechanism for challenge and redress, as well as creating an expectation that citizens could expect certain minimum standards of data publication, which is proving difficult to achieve across the board, but, as currently interpreted and implemented, does not stretch government practice much. Based on its findings, the IRM researcher recommends significant further revision of the commitments. The terms of the commitments, as written, are already being revised and will be consolidated when the provisions of the Protection of Freedoms Act and its revised code of practice section 45 are fully in effect.
13. Establishing an obligation to consider and act on user feedback	
14. Making clear that licenses must cover free, commercial re–use	**Cluster 7. Setting Standards: Data Licensing** This commitment has been completed ahead of schedule. The Open Government License (OGL), first published in 2010, allows governments at all levels to publish their information in a matter compatible with other creative commons licenses. The IRM researcher recommends maintenance and monitoring of this commitment.
15. Merge information asset registers…into a single data inventory	**Cluster 8. Setting Standards: Metadata and Data Definitions** The government carried out some work to establish a single data inventory but the work was discontinued in light of the considerable challenges posed by the differing structures of government departments and legacy ICT systems. Guidance was given for metadata content to ensure consistency of similar datasets across departments, but work is required to ensure that departmental metadata standards related to individual dataset commitments are of the same quality. The aspiration of the commitment was to establish what data was held by the government, not just what data were already published or proactively made available. However, the technical difficulties of collating an inventory from departments that stored and used data in entirely different ways were too challenging. Therefore, significant revision of the commitments is recommended in accordance with the Shakespeare Review (see full report, section I). The review calls for government and its departments to identify core reference data.
16. Set consistent expectations of the appropriate quality of meta–data	
17. For data co–ordinated across government, set definitions	
18. Introducing corporate responsibility at Transparency Board level	**Cluster 9. Corporate and Personal Responsibility: Privacy and Public Sector Transparency Board** These commitments are described by UK government officials as being fulfilled. The Public Sector Transparency Board was established in 2010 before the creation of the UK OGP National Action Plan. It has given rise to a number of transparency boards in local government, criminal justice, and transport. The work of these boards is well under way, requiring only maintenance and monitoring to ensure they continue to function.
19. Strengthening and broadening the Public Sector Transparency Board	
20. Bringing the Sector Transparency Board model to other parts of public sector	**Cluster 10. Corporate and Personal Responsibility: Other Public Sector Transparency Boards** Both commitments were completed, and the first was completed ahead of schedule. The Public Sector Transparency Board existed before the action plan was created, and the sector transparency boards are natural emanations of that model. The commitment extends, but does not necessarily stretch, practice. The IRM researcher recommends continued maintenance and monitoring of these boards.
21. Reviewing the existing governance and regulatory model	
22. Establishing a framework for public service providers data inventories	**Cluster 11. Collecting and Publishing the Right Data: Data Inventories** The UK Government assesses that this commitment "will be fulfilled." However, it has indicated that the Cabinet Office is now looking at an innovative way to collect data for inventories with work begun in Spring 2013. The IRM researcher found that it will be difficult to fulfil the commitments as written. Immense challenges were faced because of the breadth of the commitments. As well as confirming data that is held and published, the perceived benefit of the proposed inventory was to make known the type of data that is held but not yet published. This commitment needs significant revision if its goals are to be met.
23. Developing a clear methodology to support intelligent inventories	

COMMITMENT	SUMMARY OF FINDINGS
24. Ensuring a clear process to support reduction in collection of 'unnecessary data'	**Cluster 12. Collecting and Publishing the Right Data: Improving Efficiency of Access** The UK Government assesses that it has partially fulfilled these commitments. It says, however, that the commitment to establish a clear process to reduce the collection of unnecessary data will never be fulfilled. The findings of the IRM researcher concur and the commitment to reduce collection of unnecessary data is being revised. The approach to data collection does not necessarily stretch government practice, but requires a degree of leadership, central coordination, commitment to delivery, and monitoring to address concerns about potential duplication or a lack of focus on core datasets. The IRM researcher recommends significant revision of the commitment based on the findings of the Shakespeare Review.
25. Developing data.gov.uk and identifying other digital channels to support users	
26. Evidence and databases behind policy statements	**Cluster 13. Maximise the Opening Up of Data** The UK Government assesses that these commitments have been partially fulfilled. However the update on progress is scant and some external stakeholders are sceptical as to the degree to which evidence and databases behind policy statements are being routinely published. At best this is done on an ad hoc basis depending on the attitude of the department. The primary challenge appears to be the extent to which departments are prepared to disclose evidence and datasets behind policy statements. The IRM researcher recommends extension of this commitment by building on existing implementation to provide demonstrable evidence that timely publication of the evidence and databases behind policy is becoming the norm, and, if it is, to make such evidence and databases readily and prominently available.
27. Data underlying surveys	
28. Examining ways for improving the use of existing published data	
29. Stimulate the market for innovative use of open data	**Cluster 14. Stimulate the Market for Innovative Use of Open Data** The IRM researcher finds this commitment has shown limited progress and is behind schedule. The commitment would have stretched government well beyond current practice. No mechanism for reporting was in place and, perhaps more importantly, decentralised examples of collaborative relationships for use of data, with, say, the business community, remain limited. The IRM researcher recommends extension of the commitment building on existing implementation.
30. Spend up to 5% of budget support on accountability	**Cluster 15. Overseas Development Assistance** The IRM researcher found substantial fulfilment of this cluster of commitments, and the UK government self–assessment described them fulfilled. Although the commitment to publish aid data to the required standard goes beyond the current practice of certain departments, it reflects current (good) practice. The UK government is a recognised leader in aid transparency and was among the donors that established IATI in 2008 and DFID was one of the first donors to publish to the necessary standard. The IRM researcher recommends extension building on existing implementation. The immediate next step is to meet the schedule for improved transparency by all arms of government involved in the provision of aid within the period scheduled for delivery. Beyond that, the IRM researcher recommends that stakeholders look to the UK Government to take an international lead on increased sectoral transparency, for example, in extractive industries, natural resource use, taxation and contracting, which would spur greater transparency in commercial activities. The draft UK National Action Plan 2013 indicates that commitments in these areas are under consideration.
31. Include the OGP eligibility criteria to determine readiness for UK budget support	
32. Publish aid information from all ODA government departments	

COMMITMENT	SUMMARY OF FINDINGS
33. Use a single domain for government services	**Cluster 16. Information and Communications Technology (ICT): Going Digital** Significant progress has been made on aspects of these commitments. While the action plan provided no timeline, the IRM researcher, based on interviews, finds most elements of these commitments are on time or ahead of the schedule. Regarding the use of a single domain for government services, Gov.uk was launched successfully as part of the UK Digital by Default initiative to put all government transactional services online. To assist the 20 per cent of UK citizens who are not online, the government has published its "Approach to Assisted Digital" and is currently testing it via 25 "exemplar" services. Following the central government's Digital by Default initiative and the channel shift mandate, each department has also released its own strategy. Many of these initiatives began before being formalised into the action plan. Even so, significant progress was made, most importantly in maintaining the momentum of mandating agential and institutional uptake. The IRM researcher recommends continued implementation of the commitment, especially expansion and monitoring of the "Approach to Assisted Digital" effort.
34. Mandate 'channel shift'	
35. Go online for all consultations	**Cluster 17. ICT: Improving Public Engagement through ICT** While the action plan provided no timeline, most elements of these commitments seem to be progressing during the implementation period. Government consultations are fully online. Each consultation provides hyperlinked information about the responsible department and Minister as well as the relevant government policy. Relevant documentation (reports, proposals) is available for download as both PDF and MS Word files. The FOI policy is published at the bottom of each page. The government published its social media guidelines in May 2012, fulfilling that commitment. The IRM researcher recommends expansion building on the existing commitment.
36. Develop practical guidelines on departmental access to internet and social media	
37. Open data and application interfaces in ways that encourage businesses	**Cluster 18. ICT: Improving Interfaces** The specific commitments to open data for business and API standards are incomplete at the time of writing and will not be completed during the implementation period for the current action plan. Both the open data for business and cross–government API standards commitments were waiting on the provision of open API access to content and data at gov.uk, expected in October 2013. Progress on the commitment on standardized formats for user satisfaction is limited. The IRM recommends further work on basic implementation, either by renewing the commitment in the next action plan or clarifying and possibly accelerating the timetable for provision of open API access.
38. Create cross–government standards on APIs	
39. Establish standardised formats for user–satisfaction data	
40. Provide government documents in open standard format	**Cluster 19. ICT: Developing Open Data Standards** Through a process of open consultation, the government released the Open Standards Principles in November 2012 (according to the self–assessment) and updated it in April 2013. Before the Government Digital Service (GDS) could progress with this commitment, it held public consultation to clarify its definition of open standards. The government launched the crowd–sourcing platform, Standards Hub, currently in beta, where it publishes challenges and invites the public to comment in public forums, comment on other user–identified challenges, and develop proposals. The government adopted a royalty–free definition of open standards that enables GDSs open standards to be implemented in both open source and proprietary software. The IRM researcher recommends extension of this commitment in the next action plan, building on existing implementation.
41. Implement crowd–sourcing and engagement processes	

GENERAL OBSERVATIONS AND RECOMMENDATIONS

In addition to the recommendations for each commitment listed in Table 2, a number of crosscutting observational recommendations impact both the remaining implementation of the first United Kingdom action plan and the development and implementation of the next version.

Following a consultation period from 27 June to 19 September, the next UK action plan was to be published 31 October 2013. Indications are that new plan will extend its scope to address the grand challenges of "increasing corporate accountability," and "implementing the highest standards of professional integrity throughout our administrations," in addition to the existing commitments of "improving public services" and "more effectively managing public resources."

In developing the draft, participants said they were engaged in a process of co–production. However, the process may have given rise to heightened expectations as to the eventual outcome. At the time of this review, there was concern that several of the issues and proposed commitments raised by civil society organisations had been placed in an annex rather than in the main body of the draft national action plan. Some stakeholders formed the impression that a trade–off was taking place, with the requirement to publish more data being tempered by the prospect of government measures to inhibit the volume of responses to FOI requests.

Officials interviewed recognised that the first action plan was heavily influenced by what government was already doing or planned to do, with a particular focus on open data. They valued the co–production approach and felt the government should recognise the added value policies gain when they are developed through an exchange of diverse ideas and contributions from experts and those who work on the ground.

While the 2012–13 process of developing the OGP action plan may have improved, and feedback from those involved has been positive, it is not without familiar failings. It engaged a limited number of civil society organisations, most of them based in London. There was little evidence that the devolved administrations in Scotland, Wales and Northern Ireland were engaged in the process of agreeing on a UK OGP plan notwithstanding that some of the objectives fall within the scope of their responsibility. Given that OGP action plans should include all relevant actors, both targets and beneficiaries, this lack of engagement should be addressed.

ELIGIBILITY REQUIREMENTS: 2011

To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third–party indicators are used to determine country progress on each of the dimensions. For more information, visit: www.opengovpartnership.org/eligibility

BUDGET TRANSPARENCY:
4 OUT OF 4

ACCESS TO INFORMATION:
LAW ENACTED

ASSET DISCLOSURE:
4 OUT OF 4

CIVIC PARTICIPATION:
9.12 OUT OF 10

Centre for Freedom of Information

The CentreFoI was established as a joint venture between the School of Law and the Scottish Information Commissioner, and is focussed on the implementation, interpretation and enforcement of laws that provide rights to information.

Open Government Partnership
INDEPENDENT REPORTING MECHANISM

OGP aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans in order to foster dialogue among stakeholders and improve accountability.

I | BACKGROUND

The Open Government Partnership (OGP) is a voluntary, multi–stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

The United Kingdom (UK), one of eight founding countries of the Open Government Partnership, began its formal participation in September 2011, when Cabinet Office Minister Francis Maude launched the initiative along with other heads of state and ministers in New York.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Indicators produced by organizations other than OGP are used to determine the extent of country progress on each of the dimensions, with points awarded as described below. The UK entered into the partnership exceeding the minimal requirements for eligibility, with a high score in each of the criteria. At the time of joining, the country had the highest possible ranking for "open budgets" (2 out of a possible 2),[1] an access to information law,[2] the highest possible rankings in "asset disclosure for senior officials,"[3] and a score of 9.12 out of a possible 10 on the Economist Intelligence Unit's Democracy Index Civil Liberties subscore.[4]

All OGP participating governments must develop OGP country action plans that elaborate concrete commitments over an initial two–year period. Governments should begin their action plans by sharing existing efforts related to a set of five "grand challenges," including specific open government

strategies and on–going programmes. (See Section IV for a complete listing of grand challenge areas.) Action plans should then set out each government's OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete on–going reforms, or initiate action in an entirely new area.

Along with the other founding members of OGP, the United Kingdom developed its national action plan from July through September 2011. The effective start date for the action plan submitted in September was officially January 1 with implementation running through December 31, 2012. The government published its self–assessment during April of 2013. At the time of writing (August 2013), officials and civil society members were carrying out consultations on the second national action plan.

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with with Kevin Dunion of the Centre for Freedom of Information at the University of Dundee, Scotland, who carried out an evaluation of the development and implementation of the United Kingdom's first action plan, which forms the basis for this report. It is the aim of the IRM to inform on–going dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are dealt with in a methodological annex in this report.

INSTITUTIONAL CONTEXT

OGP in the United Kingdom is led by the Cabinet Office Transparency Team.[5] According to a National Audit Office report, "The Cabinet Office plays the lead role in promoting transparency across government. It is responsible for coordinating and monitoring implementation, secretariat support to a Public Sector Transparency Board, bringing together officials to embed transparency across government, and providing guidance on some of the releases required of all government departments."[6]

The Minister for the Cabinet Office makes a written Ministerial statement, laying a report on departmental open data commitments and adherence to public data principles before Parliament. In the early days of this agenda, the Prime Minister issued letters to Secretaries of State identifying actions to take.[7] As the activity around open data moves to a more business–as–usual phase, initiative is encouraged to come from departments.

OGP in the United Kingdom takes place within a broader context of other open data and transparency initiatives. A number of consultative groups were established, some prior to the OGP action plan, such as the Public Sector Transparency Board and as well as the Open Data Users Group. These groups include specialists in handling public sector data and data experts from business and academia.

Additionally, numerous references are made to the Shakespeare Review, a government–invited review of the United Kingdom's open data policies and practices. In short, the review recommended strategic elements in releasing data:

- Recognize and clarify public ownership of government–produced data.

- Develop a twin–track model for publication of data with one track of "imperfect data" released early and aggressively and another "high–quality" track published to a high standard.

- Drive implementation through a high–visibility, transparent channel.

- Invest in institutional capacity to ensure that data is made useful.

- Ensure that privacy is protected while maximizing data release for economic and policy purposes.

The Shakespeare Review and its relationship to OGP are described in greater detail in the last section, "Moving Forward."

Two other references are made of importance to the reader. One is the "Caldicott guardian model." 'Caldicott guardians' are senior members of National Health Service (NHS) staff with a responsibility to ensure patient data held by the NHS is kept secure after a report written by Dame Fiona Caldicott found weakness in how such confidential data was held.

The second reference is the five–star model of open data. This model is a continuum describing the quality of web publishing:

*   Make data available on the web in any format.

**   Make data available as structured, machine–readable data.

***   Publish in a nonproprietary format (e.g., Comma–Separated Value formats instead of Microsoft Excel).

****   Use URLs with standards to point people to data from elsewhere.

***** Link data to other data to provide context.

While these references are not made through all the commitments, they give some idea of the context and emphasis of the action plan.

METHODOLOGICAL NOTE

The IRM report builds on existing work by government and civil society in assessing and carrying out OGP activities, attempting to get as wide a range of relevant voices as possible. The reader is encouraged to review key documents prepared by the government to put this report in context: the UK's first action plan[8] and the self–assessment published by the government in April 2013.[9] Numerous references will be made to each of these documents throughout this report.

As part of the IRM's role in gathering the voices of multiple stakeholders, the IRM UK researcher carried out interviews with officials and civil society, including through a stakeholder forum formatted as a focus group.

TOC

At the request of the UK Government only senior government officials are identified by name; junior officials are identified as 'Official 1,' 'Official 2,' etc.

Methods and sources are dealt with more completely in a methodological annex in this report.

[1] Open Budget Partnership, Open Budgets Change Lives, (Washington, DC: Open Budget Partnership, 2012), http://bit.ly/V5dcPl

[2] United Kingdom, Freedom of Information Act, 2000, http://bit.ly/9lF3nn

[3] Djankov, Simeon, Rafael La Porta, Florencio Lopez–de–Silanes, and Andrei Shleifer, "Disclosure by Politicians," Tuck School of Business Working Paper 2009–60 (2009), http://bit.ly/19nDEfK; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level of Transparency," in Government at a Glance 2009, (OECD, 2009), 132, http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries," (Washington, DC: World Bank, 2009), http://bit.ly/1cIokyf

[4] Economist Intelligence Unit, 2010, "Democracy Index 2010: Democracy in Retreat," Economist, London, http://bit.ly/eLC1rE

[5] Peter Lawrence, Deputy Director, Cabinet Office, 15 May 2013. The National Audit Office, "Implementing Transparency," report, 18 April 2012.

[6] National Audit Office, "Implementing Transparency," report, 18 April 2012.

[7] David Cameron, letter to Cabinet Ministers on transparency and open data, 7 July 2011. http://bit.ly/1eQ0SRy; Peter Lawrence, Deputy Director, Cabinet Office, interview, 15 May 2013.

[8] United Kingdom, 2011, "Enhancing Public Service Delivery for Open Government," Open Government Program National Action Plan, submitted September 2011. Government of the United Kingdom, London. http://bit.ly/1aKP3ad

[9] United Kingdom, 2013, "Open Government Program UK 2011 National Action Plan– Self–Assessment Report," Government of the United Kingdom, London. http://bit.ly/19dMPy3

II | PROCESS: DEVELOPMENT OF ACTION PLAN

Countries participating in OGP are required to follow a process for consultation during development of their action plan.

OGP GUIDELINES

Countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation.

- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and make a summary of the public consultation and all individual written comment submissions available online.

- Undertake OGP awareness-raising activities to enhance public participation in the consultation.

- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in Section C of the OGP Articles of Governance, "Consultation during Implementation":

- Countries must identify a forum to enable regular multi-stakeholder consultation on OGP implementation through an existing or new entity.

PRIOR NOTICE AND CONSULTATION ON ACTION PLAN

The extent to which there was specific consultation on the UK national action plan prior or subsequent to submission is open to question. Neither the process for public consultation nor a timeline were available prior to consultation.

A formal and extensive consultation on a related government initiative was contained in the government document "Making Open Data Real." By the deadline for contributions in October 2011, over 500 responses had been received.[1] However, this process did not constitute a specific consultation on the OGP action plan, which was more wide–reaching and contained other ambitious proposals such as the right to data for which there appeared to have been insufficient prior consultation. (This lack of prior consideration may have contributed to the limited progress on some of these commitments; in particular, to those that the UK Government subsequently decided to withdraw.)

The UK Government proposed public consultations on its action plan after submitting it to the OGP. It said consultations would be made via its Public Sector Transparency Board and also by convening and consulting with a wider group of stakeholders specifically to consider the country plan. However, it is not clear to what extent structured external consultation took place, if at all. It seems doubtful that any written submissions regarding the 2011 action plan were received as part of a consultative process; none were available online. At the time of research, no record could be located as to which private sector and non–profit organizations or private citizens had made contributions. (Officials who may have known were either no longer in their positions or were unavailable. There was no online material regarding consultations.)

In interviews, officials accepted that forewarning notice and prior consultation were not adequate. The inadequacies were perhaps implicitly acknowledged when the UK Government website announcing a consultation on the OGP UK Action Plan 2011 Self–Assessment Report, which noted, "The first UK Action Plan was drafted in the very early days of the OGP, when we and our partners were still clarifying the scope of civil society engagement, implementation periods, reviewing mechanisms and so on."[2]

[1] "UK Seeks Public Comments on Open Data Policy," 5 August 2011, *Freedom Info*, http://bit.ly/18b9gnr; United Kingdom, "Making Data Real – A Public Consultation," August 2011, http://bit.ly/1563EZC
[2] Data.gov.uk Team. 2013. "OGP UK National Action Plan Self–Assessment Report," *Data.gov.uk* Blog. 2 April 2013. http://bit.ly/XIOMRy

TOC

III | PROCESS: CONSULTATION DURING IMPLEMENTATION

Rather than a single multi–stakeholder forum addressing all aspects of the action plan, a number of consultative and progress–chasing initiatives were developed or expanded during implementation.

These initiatives focussed principally on delivering elements of the action plan related to the "Open Data White Paper."[1] These efforts included the Public Sector Transparency Board, the Welfare Sector Transparency Board, and the Open Data Users Group.[2] These relatively small groups have a select membership drawn from industry, academia, and nongovernmental organisations, as well as from government and other public bodies. This sectoral and focussed approach may lead to greater ownership and delivery of certain OGP commitment outputs, but runs the risks attached to exclusivity and of representing only those selected by government.

The civil society forum organized by the researcher discussed aspects of implementation, but stakeholders interviewed had only limited recall of the plan. Many of them saw the action plan as dominated by technical and procedural matters regarding the government's own internal processes to open up its data. Civil society stakeholders were more focussed on discussion of the content of a revised action plan.

Officials said that the civil society forum's process had significant shortcomings as a mechanism for consultation, and they were focussed on improving the process for the next plan.[3]

Meetings of civil society groups took place mainly in London.[4]

TOC

---

[1] UK Cabinet Minister. 2012. Open Data White Paper: Unleashing the Potential (CM8353 June 2012). London: Cabinet Minister's Office; OGP civil society network focus group, 16 May 2013; Peter Lawrence, Deputy Director, Cabinet Office, interview, 15 May 2013; Official 1, Transparency Team, Cabinet Office, interview, 9 May 2013.
[2] Public Sector Transparency Board, http://bit.ly/14LtyqN; Open Data Users Group http://bit.ly/1doV39L; Welfare Sector Transparency Board, http://bit.ly/18ywqlr
[3] Official 1, Transparency Team, Cabinet Office, interview, 9 May 2013; Civil society network focus group, May 2013.
[4] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013; Steve Wood, Head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013.

TOC

IV | IMPLEMENTATION OF COMMITMENTS

All OGP participating governments are to develop OGP country action plans that elaborate concrete commitments over a two–year period.

Governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and on–going programs. Action plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge (see below). These commitments may build on existing efforts, identify new steps to complete on–going reforms, or initiate action in an entirely new area.

OGP commitments are to be structured around a set of five "grand challenges" that governments face. OGP recognizes that countries start from different baselines. Countries select the grand challenges and related concrete commitments that most relate to their unique contexts. No action plan, standard, or specific commitment is forced on any country.

The five OGP grand challenges are:

1. **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.

2. **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.

3. **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.

4. **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.

5. **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti–corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect four core open government principles:

- **Transparency**—information on government activities and decisions is open, comprehensive, timely, freely available to the public and meets basic open data standards (e.g., raw data, machine readability).

- **Citizen Participation**—governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.

- **Accountability**—there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

- **Technology and Innovation**—governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology.

Countries may focus their commitments at the national, local and/or subnational level—wherever they believe their open government efforts are to have the greatest impact.

Recognizing that achieving open government commitments often involves a multi–year process, governments should attach timeframes and

TOC

benchmarks to their commitments that indicate what is to be accomplished each year, wherever possible.

This section details each of the commitments the United Kingdom included in its initial action plan. The UK commitments have been gathered into 19 clusters of related commitments because several commitments are closely related and the measures taken to fulfil them either significantly overlap or are better understood within a contextual relationship to other commitments. Clustering also limits the repetition of sources, improving the usefulness of this report for the reader.

To the best of the author's ability, the order of commitments has been preserved from the first version of the action plan. The full texts of the commitments have been lightly edited to match the format of this report.

Cluster 1 | Right to Data: Strengthening the Right to Datasets

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Technology and innovation
OGP GRAND CHALLENGES	Improving public services
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	1. NEW POWER OF RELEASE	NOT STARTED — LIMITED — **(CURRENT)** WITHDRAWN — SUBSTANTIAL — COMPLETE / WITHDRAWN **(PROJECTED)**
	2. COST CAP FOR FOI	NOT STARTED — LIMITED — **(CURRENT)** WITHDRAWN — SUBSTANTIAL — COMPLETE / WITHDRAWN **(PROJECTED)**

NEXT STEPS	Significant revision of the commitment

Full text of the commitments

Right to data: Stronger rights to empower citizens to obtain data from the public sector, including:

- *a new power held by appropriate independent or-ganisations to secure the release of valuable public datasets, with a suitable format, quality, and regular-ity of publication;*

- *a new, higher cost cap for government provision of freedom of Information (FOI) data procured after July 2012.*

What happened?

Requests for information in datasets can be made under the Freedom of Information Act 2000 (FOI Act), which is enforced by the UK Information Commissioner to whom appeals can be made if datasets are not provided in response to requests. This set of commitments would have further empowered interested persons to make requests of government data.

However, both commitments were marked "withdrawn" by the UK Government in its self–assessment report.

No new powers have been given to independent organisations. A new higher cost cap for datasets requested under the provisions of the Freedom of Information Act 2000 has not been introduced, and there is no apparent intention to do so.[1] The cost cap refers to the amount that a government agency can spend to fill an FOI request. Raising the cost cap means the agency would have to fill requests that required more staff time and materials.

The reasons for withdrawal are unknown. Perhaps the existing powers available to the UK Information Commissioner were insufficiently appreciated. For example, the commissioner had the power to engage with public authorities to ensure that valuable public datasets were included in future publication schemes. It is not clear what independent organisations were in mind when this commitment was made, nor the statutory basis on which these powers would be conferred upon them.

Authorities can refuse to respond to FOI requests that would cost the central government more than £600 or

TOC

other authorities more than £450. The commitment to raise these upper limits was apparently to prevent cost from inhibiting the disclosure of datasets in response to FOI requests, particularly if the details were requested in a specific format. However, there is little evidence that cost has been the reason datasets have not been disclosed.[2]

These commitments may be out of synch with an overarching government trend to reduce regulatory burdens. The UK government made clear in its response to the Justice Select Committee's post–legislative scrutiny of the FOI Act that it intends to review the circumstances in which requests can be refused on cost grounds, which could *lower* the cap, making it more, rather than less, likely that information can be withheld in response to FOI requests.

Did it matter?

These commitments have not been implemented. Had they been implemented, they would have stretched government practice beyond that which existed before the action plan was created by creating new powers and requiring an amendment to current regulations capping the government costs for filling FOI requests. Some of the aspirations could still be met by utilising the UK Information Commissioner's existing powers, such as the power to adjudicate on appeals against refusal by authorities to disclose datasets in response to specific FOI requests or by including core datasets in the approved publication schemes of public authorities.[3]

Moving forward

These commitments will require significant revision to be included in the next phase of OGP activity. The government may have to revisit some of the issues left undecided by the withdrawal of these commitments.

- Cost limits: The extent to which datasets can be disclosed by public authorities in the specific format sought by requesters, within the existing upper cost limits, is yet to be established. If the UK Government's response to the post–legislative scrutiny of the

FOI Act causes the upper cost limit to be lowered, it is likely to run contrary to the assumptions in the UK Government's self–assessment report that existing provisions for filling FOI requests are sufficient.

- Definition of core datasets and model schemes: While datasets could be added to the publication schemes of public authorities, some specific actions would need to be taken. These actions include a systematic programme of agreeing on core public datasets, a revision of model publication schemes, and guidance to include these datasets, accompanied by scrutiny through the publication scheme approval process.

- Externally held datasets: Finally, civil society organisations (CSOs) are concerned that some datasets may be held by bodies providing public services, but which are no longer subject to the FOI Act because of changes in the manner in which public services have been delivered (e.g., private contractors).[4]

[1] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013; Steve Wood, head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013.
[2] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013; Steve Wood, head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013; Maurice Frankel, Director, Campaign for Freedom of information, London, interview, 16 May 2013.
[3] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013; Steve Wood, Head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013.
[4] Maurice Frankel, Director, Campaign for Freedom of Information, interview, 16 May 2013; OGP civil society network focus group, 16 May 2013; Steve Wood, Head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013; OGP civil society network focus group, 16 May 2013.

Cluster 2 | Right to Data: Reforming Data Request Incentives

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Accountability
OGP GRAND CHALLENGES	Increasing public integrity
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	3. DISINCENTIVES FOR WITHOLDING INFORMATION	NOT STARTED — LIMITED (CURRENT ▼) — SUBSTANTIAL — COMPLETE / (PROJECTED) ⚠
	4. TIME LIMITS FOR APPEALS	NOT STARTED — LIMITED (CURRENT ▼) — SUBSTANTIAL — COMPLETE / (PROJECTED) ⚠

NEXT STEPS	Further work on basic implementation

Full text of the commitments

Right to data: Stronger rights to empower for citizens to obtain data from the public sector, including:

- *meaningful disincentives for public bodies and public servants found to have withheld data that should have been released;*

- *maximum time limits for how long public bodies can review appeals against FOI Act refusals.*

What happened?

This cluster of commitments would strengthen the system of requesting FOI data by establishing disincentives for those who withhold data and shortening the potential appeals processes for data denial.

The UK Government's self–assessment report indicated that it has partially fulfilled the commitment to put in place "meaningful disincentives for public bodies and public servants found to have withheld data that should have been released" by giving the UK Information Commissioner longer to prosecute alleged offences under section 77 of the FOI Act.

The action plan does not specify what meaningful disincentives the government had in mind. It is reasonable to assume that disincentives would include administrative sanctions or penalties. By contrast, the specific sanction the UK Government says it intends to put in place would have effect only by way of prosecution, where public officials had acted unlawfully under the terms of section 77 of the FOI Act by destroying, altering, or concealing records held by the authority with the intention of preventing the disclosure of all or any part of the information requested.

The self–assessment report describes progress on the commitment to institute maximum time limits for how long public bodies can review appeals against FOI Act refusals as being "in progress" and notes that the government is "minded to amend the Code of Practice issued under section 45 of the act to indicate that, as far as possible and unless a public authority has good reason otherwise, internal reviews should be completed within 20 working days."

TOC

As a consequence, the IRM researcher has found progress in each of these commitments to be limited. The government proposals do not go much further than the existing guidance issued to public authorities by the UK Information Commissioner. However some stakeholders interviewed felt that this commitment, when implemented, at least provides a "stick" with which to compel authorities if necessary. The proposed amendments to the code of practice fall far short of an equivalent provision in Scotland where authorities must respond to requests within 20 working days, with no extension to consider the public interest.[1]

Did it matter?

These commitments have been partially implemented. If the government had instituted noncriminal sanctions on public officials, it would have stretched government practice beyond that which existed before the action plan. However, the commitment has been narrowed to proposing a specific statutory amendment that would facilitate prosecutions under the terms of an existing statute. In that respect it does not stretch government practice.[2]

The proposed changes would affect the code of practice on the maximum time limits on which to review FOI requests, and provide statutory footing for existing guidance issued by the Information Commissioner's Office (ICO). Therefore, it does not stretch government practice[3]

Moving forward

Further work on basic implementation of this commitment is required and is underway. Proposed changes to the statute and the code of practice must complete the process of Ministerial and Parliamentary approval and Royal assent as necessary.[4] Reconciling the objectives of securing a right to data with those of reducing the regulatory burden needs to be explicitly addressed.

[1] Maurice Frankel, Campaign for Freedom of Information, interview, 16 May 2013; Steve Wood, Head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013; Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013.
[2] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013.
[3] Steve Wood, Head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013; Maurice Frankel, Campaign for Freedom of Information, interview, 16 May 2013.
[4] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013.

Cluster 3 | Right to Data: Strengthening Information Technology (IT) Protocols

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Technology and innovation
OGP GRAND CHALLENGES	More effectively managing public resources
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION

5. ALTERED PROCUREMENT RULES

NOT STARTED	LIMITED	(CURRENT)	SUBSTANTIAL	COMPLETE

(PROJECTED)

6. PUBLIC BY DEFAULT STANDARD

NOT STARTED	LIMITED	(CURRENT)	SUBSTANTIAL	COMPLETE

(PROJECTED)

NEXT STEPS	Extension building on existing implementation

Full text of the commitments

Right to data: Stronger rights to empower citizens to obtain data from the public sector, including:

- *altered procurement rules to ensure that data created by government is stored in information technology (IT) systems that minimise the cost and difficulty of publishing data online;*
- *a mandatory phased introduction of the Public by Default standard, delivered through a new generation of IT systems and accompanying policies.*

What happened?

Substantial progress has been made on these commitments, but, at the time of assessment, they were behind schedule.

The first commitment would lessen the difficulty in getting data from storage to a publicly useable form. The latter would create an assumption that data will be made public in all but exceptional cases.

The UK Government's "Open Data White Paper,"[1] underpins these and many other UK action plan commitments. In November 2012, the Government Digital Strategy stated that beginning in April 2014, all new and redesigned services processing over 100,000 transactions a year would have to meet the Digital by Default Standard if they were to link with Gov.UK. The Digital by Default Standard has 26 criteria with accompanying guidance.[2] As the UK self–assessment candidly indicates, "Issues are still arising mostly due to legacy IT systems that do not produce the quality or format of data required as a minimum and so some datasets require manual intervention prior to publication. This has meant that data publication, in particular of corporate data, is being rolled out at a slower pace and only after consultation with departments over the practicalities of release."[3]

There are also residual concerns as to whether disclosure of information derived from personal data

TOC

is sufficiently anonymous to prevent infringement of privacy rights, which requires assurance checks.[4]

Did it matter?

The scale and the aspiration of the commitments on Public by Default standard and ensuring that information is stored in a manner that makes it capable of disclosure in suitable formats stretches government practice well beyond that which existed before the action plan. Putting these commitments into practice is fraught with obstacles, some technical, given the limitations of the legacy IT systems, and some cultural, given the differential attitudes towards digital disclosure and the stance on the Public by Default standard by different arms of government.[5]

An example of the latent interest in publicly held information is demonstrated by the Police.uk website, which was said to have received 6 million hits on the day that local crime maps[6] were introduced.[7] These maps have driven up interest in the site to over 548 million hits and 53.5 million visits since its launch in 2011. 22% of households in England and Wales have visited the site.[8]

Moving forward

The IRM researcher recommends extension of these commitments, building on existing implementation. These commitments are said to be in progress or partially fulfilled; indeed, the Digital by Default Standard applies to all new and redesigned services processing over 100,000 transactions a year from April 2014.

Significant issues need to be addressed in terms of publishing information held in legacy IT systems. The focus is likely to be on identifying data regarded as particularly sought after and in ensuring that data collection and storage is done in way that it can be published with little manual action or delay.[9]

These commitments will be delivered only when the technical capability and principles of collecting, managing, and disclosing public data are aligned. Clearly the legacy IT systems will continue to slow progress until the benefits of the new information and communications technology (ICT) strategy are realised. However, Stephen Shakespeare's recent report, "Shakespeare Review: An Independent Review of Public Sector Information," advocates a "twin–track policy for data release, which recognises that the perfect should not be the enemy of the good: a simultaneous 'publish early even if imperfect' imperative AND a commitment to a 'high quality core'…This twin–track policy will maximise the benefit within practical constraints. It will reduce the excuses for poor or slow delivery; it says 'get it all out and then improve'."[10]

[1] UK Cabinet Minister. 2012. Open Data White Paper: Unleashing the Potential (CM8353 June 2012). London: Cabinet Minister's Office.
[2] "Digital by Default Service Standard," United Kingdom. http://bit.ly/Z6MMR4; Peter Lawrence, Deputy Director, Cabinet Office, interview, 15 May 2013
[3] UK Self–Assessment Report, 2013.
[4] Ibid.
[5] Ibid; Official 3, Transparency Team, Cabinet Office, interview, 15 May 2013.
[6] London crime map, http://bit.ly/1a4czxV for an example.
[7] Police UK Website Analysis, http://policeuk.s3.amazonaws.com/uploads/Police.uk_two_years_on.pdf.
[8] Peter Lawrence, Deputy Director, Cabinet Office, interview, 15 May 2013.
[9] Ibid; Official 3, Transparency Team, Cabinet Office, interview, 15 May 2013.
[10] Government ICT Strategy, March 2011, Cabinet Office; Stephen Shakespeare, "Shakespeare Review: An Independent Review of Public Sector Information," May 2013, http://bit.ly/100ol6J

Cluster 4 | Setting Standards: Public Data Principles

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information
OGP GRAND CHALLENGES	Improving public services
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	7. PUBLIC DATA CODE OF PRACTICE	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE (PROJECTED)
	8. OPEN DATA COMPLIANCE MONITORING	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE (PROJECTED)

NEXT STEPS	Maintenance and monitoring

Full text of the commitments

Setting standards by:

- *formalising, through a code of practice or opt–in process, the Public Data Principles articulated by the Public Sector Transparency Board; and*

- *putting in place an open data compliance monitoring process, which outlines how, when, and where public service providers should report their progress.*

What happened?

The UK self–assessment report describes these commitments as having been fulfilled and on schedule. The Public Data Principles have been incorporated into the "Open Data White Paper" as policy for central government departments. Monitoring underperformance is provided by a quarterly written Ministerial statement to Parliament, which details departmental progress and achievements to the standards and published commitments.[1]

In terms of monitoring, the openness scoring used in the first written Ministerial report is reported to have

been "temporarily withdrawn." It was said that "a number of inconsistencies were found in the process and the tools used for calculating the figure. These inconsistencies related to technical issues between the source of the data and data.gov.uk analysis tools, and inclusion criteria of particular datasets. Work is under way to produce improved tools to measure the openness of data on data.gov.uk. As part of this work, the criteria for datasets included in the score will also be defined."[2]

In terms of progress, the written statements reveal different performance among departments.

Did it matter?

These commitments go beyond previous government practice by elevating the public data principles to become policy for central government departments. Written Ministerial statements to Parliament are established practice but having a Cabinet minister make a statement to Parliament on the performance of government departments on the delivery of commitments regarding

TOC

public data provides greater prominence and political leverage than was previously the case.

For example, the first written Ministerial statement in December 2012 was reported in the trade magazine *Government Computing* as follows:

> The government has announced that the average 'openness score', measuring departments progress in meeting their open data commitments, is 52%.

> However, performance varies widely among the different departments. The Department for Communities and Local Government (DCLG) scored just 5%, compared to HM Treasury, which achieved a score of 95%. HM Revenue & Customs (HMRC) scored 18%, while the Department for Education's openness score was 88%. The Department for Work and Pensions and the Department of Health achieved a score of 40% apiece.[3]

Under these commitments, government departments (and arms length bodies) are required to make commitments on publishing data and to report on their performance through the Cabinet Office Cross–Government Transparency Team. A workshop held by this group identified basic obstacles such as the working culture within the organisation; the capacity of ICT systems not designed to collect data in new open formats; corporate practices that may impede disclosure; and perceived legal or quality issues in disclosing information. Further interventions have been made by the Cabinet Office directly with individual departments where performance against agreed standards remains at issue.[4] It is unclear to what extent these efforts examined demand from the broader public and whether these systems met that demand.

Moving forward

A monitoring process is in place, differential performance is being identified, and certain interventions are being made. The challenge will come if performance in some departments continues to be below the standard required. The question then is: What levers will be used by the Cabinet Office to secure improvement?

Furthermore, performance is partly based on commitments made by the departments themselves as to what information they are prepared to make available, rather than by any commonly agreed or centrally directed standard. External pressure may come from the more–stretching approach called for by the Shakespeare Review and from Open Data User Group demands to disclose datasets departments had not selected for public access.[5]

[1] Peter Lawrence, Deputy Director, Transparency Team, Cabinet Office, interview, 15 May 2013; "Open Data White Paper, 28 June 2012; "Report on Departmental Open Data Commitments and Adherence to Public Data Principles for the period between October and December 2012," United Kingdom, http://bit.ly/1534yLK
[2] Cabinet Minister's Office. Second Quarterly Written Ministerial statement, April 2013, http://bit.ly/XSxv9z
[3] Charlotte Jee, "Government Releases Departments' Open Data Performance," Government Computing, http://bit.ly/TXSPDp
[4] Second Quarterly Written Ministerial statement, April 2013; Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013.
[5] Shakespeare, The Shakespeare Review, 2013.

Cluster 5 | Setting Standards: Implementing Public Data Standards

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Accountability
OGP GRAND CHALLENGES	Improving public services
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	9. CLEAR MINIMUM EXPECTATIONS	NOT STARTED —— LIMITED —— (CURRENT) —— SUBSTANTIAL ▼△ —— COMPLETE (PROJECTED)
	10. 5 STAR DATA RATING	NOT STARTED —— LIMITED —— (CURRENT) —— SUBSTANTIAL —— COMPLETE ▼△ (PROJECTED)
	11. ADOPTION OF PUBLICATION FORMATS	NOT STARTED —— LIMITED —— (CURRENT) —— SUBSTANTIAL ▼△ —— COMPLETE (PROJECTED)

NEXT STEPS	Extension building on existing implementation

Full text of the commitments

Setting standards by:

- *making clear the minimum that citizens can expect on publication and quality of data, including compliance with the Public Sector Transparency Board's Public Data Principles;*

- *ensuring a line of continuous improvement for public service providers in achieving the highest ratings for their published data compared with the government's Five–Star Rating for Open Data;*

- *encouraging continuous improvement by adoption of recommended publication formats appropriate to the context.*

What happened?

Although implementing this set of commitments is largely on schedule, assessment of progress is mixed.

The government has implemented the commitments in its Public Data Principles including a five–star standard of production. However, this level of achievement remains aspirational because of the quality of the information held in legacy ICT systems and also the differential performance of departments.

Public Data Principles: As previously indicated, written Ministerial statements demonstrate that departmental strategies are not necessarily carried out to a satisfactory level of performance.[1] There appears to be no clear form of redress if departments fail to observe the government's Open Data Principles or the commitments made in their open data strategies to voluntarily disclose or publish certain data.[2] The minimum that citizens can expect on the publication and quality of data is set out in the Public Data Principles, which are policy for central government

TOC

departments, as well as in departmental open data strategies, which articulate how departments intend to fulfil obligations and expectations.[3] Adherence to the Public Data Principles would encourage continuous improvement by adoption of recommended publication formats appropriate to the context.

Five–Star Rating System: The policy of continuous improvement includes a commitment to achieving the five–star quality standard in data publication. However, achieving the five–star standard remains aspirational because departmental commitments, as set out in the open data strategies, are to publish everything "where possible" at a minimum three–star quality.

Did it matter?

The Public Data Principles were published in draft in May 2010 by the Public Sector Transparency Board, and were incorporated into the OGP action plan and ultimately into the "Open Data White Paper," where they became government policy. Although they link to some aspects of good practice that may have been pursued by elements of the public service, they remain highly aspirational and demanding.[4]

Monitoring shows that information is being disclosed and that the five–star quality standard, while far from being the norm, is being met in specific instances. For example, the Department for Communities and Local Government released new statistical estimates of the well–being of residents to illustrate the degree of variation among neighbourhoods.[5] The data is five–star quality and can be explored via an interactive map. This data, derived from a survey by the Office of National Statistics was analysed by the non–profit New Economics Foundation (NEF), which looked at themes relating to ethnicity, types of employment, working hours, inequality, and geography, to identify patterns for its report, "Well–Being Patterns Uncovered."[6]

Moving forward

The IRM researcher recommends extension of this commitment by building on existing implementation. An emerging issue is how to make the information useful and meaningful to stakeholders, rather than simply making ever more data available. Civil society groups have proposed that in its next OGP action plan "the UK government should support individuals, community groups and the voluntary sector to make effective use of open data by adopting the 5 stars of open data engagement and developing programmes and resources that promote the use of open data in particular settings–such as neighbourhood planning, health service governance, and overseas aid." Civil society groups consulted during the IRM process also called for core reference data to be identified and published.

Both of the civil society demands could be accommodated through revised departmental open data strategies alongside rigorous quality assurance of the information being made available.[7]

The government may also help individuals, community groups, and the voluntary sector to make effective use of open data. Stakeholders consulted said this is, "important because the majority of funding for open data use has gone to the private sector, and the social value of data remains locked up because the tools and skills to use it are not yet widespread. Civil society is already active in developing training, tools and ideas for promoting open data engagement, but needs the buy–in and support from government to take this to scale."[8]

[1] Quarterly written ministerial statements; Official 3, Transparency Team, Cabinet Office, interview, 15 May 2013; Official 2, Cabinet Office, interview, 15 May 2013.
[2] Steve Wood, Head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013.
[3] UK Government, "Setting Open Data Standards," http://bit.ly/RwNUHY
[4] Data.gov.uk. "New Public Sector Transparency Board and Public Data Transparency Principles," blog, http://bit.ly/bfe6Nb; Official 3, Transparency Team, Cabinet Office, interview, 15 May 2013.
[5] Open Data Communities, Wellbeing Map Explorer, http://opendatacommunities.org/wellbeing/map
[6] Saamah Abdallah. "Well–being Patterns Uncovered: A New Wealth of Data for the UK," blog. New Economics Forum. http://bit.ly/1aEmjhe
[7] Ibid.
[8] United Kingdom OGP National Action Plan, 2011.

Cluster 6 | Setting Standards: User Feedback and Accountability Mechanisms

COMMITMENT SUMMARY

LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Accountability, Participation
OGP GRAND CHALLENGES	Improving public services, Improving public integrity
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Both

LEVEL OF COMPLETION	12. CHALLENGING FAILURE TO RELEASE DATA	NOT STARTED — LIMITED (CURRENT) — SUBSTANTIAL (PROJECTED) — COMPLETE
	13. OBLIGATION TO USE FEEDBACK	NOT STARTED — LIMITED (CURRENT) — SUBSTANTIAL (PROJECTED) — COMPLETE

NEXT STEPS	Significant revision of the commitment

Full text of the commitments

Setting standards by:

- *setting out how citizens can challenge failure in the process (although we expect the public will rarely need to revert to this because data will be proactively published);*

- *establishing a government obligation to consider and, if appropriate, act on user feedback, even for data that has been collected independently of the public body or public service provider.*

What happened?

The UK self–assessment says the commitments in this cluster are partially fulfilled. The IRM researcher supports the conclusion that progress is limited.

The commitments suggest that a redress provision would be instituted (presuming that such a provision was not available.) Now the UK government suggests that existing redress mechanisms governing data access and the use—such as recourse to the UK Information Commissioner—are sufficient to fulfil the commitment.

The UK Government points to the establishment of the Open Data User Group (ODUG), as partially fulfilling the commitment. However ODUG is not a challenge or redress mechanism. Instead it is means by which individuals, academics, businesses, and charities can suggest datasets that they would like to see published.

The commitment to provide a means to redress the failure to make available data of a certain type and quality was perhaps overly assertive. Inadequate consideration may have been given to the existing statutory framework, which could have given rise to duplication or confusion as to the appropriate route of a challenge if data was refused. The government finds the idea of increasing the regulatory burden unattractive. The emphasis within the Cabinet Office Transparency Team is one of encouragement to publish rather than obligation or sanction.

Did it matter?

The commitment would have stretched government practice by committing to an independent mechanism

for challenge and redress, as well as creating an expectation that citizens could expect certain minimum standards of data publication, which is proving difficult to achieve across the board.[1]

This commitment, as currently interpreted and implemented, does not stretch government much beyond that which existed before the action plan was created.

The government has taken some action to progress the intent behind this commitment. In particular, amendments to the FOI Act through the Protection of Freedoms Act 2012 enhanced citizen rights to be provided with datasets. A revised code of practice giving guidance on releasing datasets was published in July 2013.[2]

Stakeholders remained unclear as to the consequences of the statutory and code of practice changes. Some stakeholders were anxious to secure access to datasets that may be incomplete or failed to meet the five–star standard but which, nevertheless, would be beneficial in the public domain. Others were concerned that restrictions on the use of the information would be such that the information would not be disclosed or could not be beneficially used. These concerns are in part reflected in some of the contributions made to the Code of Practice Datasets Consultation.[3]

Moving forward

Based on its findings, the IRM researcher recommends significant further revision of the commitments. The terms of the commitments, as written, are already being revised and will be consolidated when the provisions of the Protection of Freedoms Act and its revised code of practice section 45 are fully in effect. It will be important to monitor the practical consequences of the new statutory provisions to ensure that the original purpose of securing the publication and disclosure of datasets sought by citizens is achieved.[4] The key issue is to ensure that authorities respond positively to requests for datasets submitted through FOI, making the information

available without restriction (or under an open licence), uninhibited by cost.[5]

Consideration could be given to a greater alignment between the commitments made in the departmental open data strategies and the datasets that constitute part of the publication schemes approved by the ICO, which would give the ICO a locus to deal with failings by an authority that has committed to produce certain data, in a certain format.

[1] Peter Lawrence ,Deputy Director, Transparency Team, Cabinet Office, interview, 15 May 2013; Official 3, Transparency Team, interview, 15 May 2013; OGP UK 2011 National Action Plan Self–Assessment Report.

[2] Secretary of State's Code of Practice (datasets) on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act, http://bit.ly/1bw2P38

[3] Maurice Frankel, Campaign for Freedom of Information, OGP civil society network focus group, 16 May 2013.

[4] OGP civil society network focus group, 16 May 2013; Maurice Frankel, Campaign for Freedom of information, 16 May 2013; Steve Wood, Head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013.

[5] Official 3, Transparency Team, interview, 15 May 2013; Maurice Frankel, Campaign for Freedom of Information, 16 May 2013; OGP civil society network focus group; Open Government Partnership UK, "UK Civil Society Perspectives on the National Action Plan," http://bit.ly/J2t3Yt

Cluster 7 | Setting Standards: Data Licensing

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information
OGP GRAND CHALLENGES	None
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION

NOT STARTED — LIMITED — **(CURRENT)** — SUBSTANTIAL — COMPLETE
(PROJECTED)

NEXT STEPS	Maintenance and monitoring

Full text of the commitment

Setting standards by making clear that, with very narrow restrictions, licences must cover free, commercial reuse with public service providers not normally selling data. We will build on the successful Open Government Licence, which makes reuse of Crown Copyright and Crown Database material free for commercial and non–commercial purposes, to create one or more licences which will be prescribed for public bodies where they are making datasets available for reuse. In most cases, the expectation will be that this licence will be the OGL.

What happened?

This commitment has been completed ahead of schedule.

The Open Government License (OGL), first published in 2010, allows governments at all levels to publish their information in a matter compatible with other creative commons licenses. According to the government's self–assessment, "The Open Government Licence is now widely used by local authorities in England and Wales and has been adapted by some overseas governments including Canada, South Korea and Spain, but its implementation in the United Kingdom is not yet universal.

Further licence models covering non–commercial use and charged licences have been developed under the UK Government Licensing Framework."

According to the data.gov.uk website, the license was updated and rereleased on 30 September 2012 within the timeframe set out by the government in the OGP action plan and the related Open Government License Action Plan.[2]

Did it matter?

The IRM researcher was unable to gather evidence as to whether members of the public had used the new licenses to greater benefit. The government's self–assessment points to uptake by other levels of government within the United Kingdom.

Moving forward

The IRM researcher recommends maintenance and monitoring of this commitment. Specifically, the government and other organizations can (1) work to monitor that this license is the default license for publicly available data and (2) gather information on the use of data licensed under the OGL.

[1] National Archives. "What the Open Government License Covers." http://bit.ly/b0YAG9
[2] Nigel Shadbolt. "New Open Government License." Data.gov.uk. http://bit.ly/9VyG11

TOC

Cluster 8 | Setting Standards: Metadata and Data Definitions

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information
OGP GRAND CHALLENGES	None
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

		NOT STARTED	LIMITED	(CURRENT)	SUBSTANTIAL	COMPLETE
LEVEL OF COMPLETION	15. SINGLE DATA INVENTORY			WITHDRAWN / WITHDRAWN (PROJECTED)		
	16. EXPECTATIONS OF METADATA QUALITY	NOT STARTED	LIMITED	(CURRENT) / (PROJECTED)	SUBSTANTIAL ▼△	COMPLETE
	17. DEFINITIONS OF STANDARD DATA	NOT STARTED	LIMITED ▼	(CURRENT)	SUBSTANTIAL	COMPLETE △ (PROJECTED)

NEXT STEPS	Significant revision of the commitment

Full text of the commitments

Setting standards to:

- *merge information asset registers, publication schemes, and other data lists over time into a single data inventory, alongside which would sit the "unlocking service" that provides for citizens and business to make requests for datasets not currently published or planned to be published;*

- *set consistent expectations of the appropriate quality of metadata; and*

- *for standardised data co–ordinated across govern-ment, set the definitions of the data to be provided and their context.*

What happened?

These commitments have been withdrawn, changed in scope, or partially fulfilled.

The government carried out some work to establish a single data inventory but the work was discontinued in light of the considerable challenges posed by the differing structures of government departments and legacy ICT systems.

Guidance was given for metadata content to ensure consistency of similar datasets across departments. However, work is required to ensure that departmental metadata standards related to individual dataset commitments are of the same quality.[1]

The aspiration of the commitment was to establish what data was held by the government, not just what data were already published or proactively made available. The purpose was to allow potential users to identify information of use to them even if government was not actively providing it. However, the technical difficulties of collating an inventory from departments

TOC

that stored and used data in entirely different ways were too challenging. For the moment, it appears that it may be possible to create an inventory of information published through data.gov.uk and to explore whether local inventories of information held but not published could be drawn up.[2]

Did it matter?

The commitments were described as being aspirational and clearly stretched practice beyond that which existed before the action plan was created. Indeed creating a single data inventory is beyond the current capacity of government.[3]

Moving forward

Significant revision of the commitments is recommended in accordance with the Shakespeare Review. The review calls for government and its departments to identify core reference data. If this were systematically and quickly done, it would provide a partial inventory of core material that could be published and kept up to date.[4]

[1] Official 3, Transparency Team, Cabinet Office, interview, 15 May 2013.
[2] Ibid; Official 2, Transparency Team, Cabinet Office, interview 15 May 2013;
[3] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013; OGP UK National Action Plan Self–Assessment Report, Annex C.
[4] Shakespeare, "Shakespeare Review," May 2013.

Cluster 9 | Corporate and Personal Responsibility: Privacy and Public Sector Transparency Board

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information
OGP GRAND CHALLENGES	Increasing public integrity, Improving public services
SPECIFICITY OF GOAL	Medium
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	18. CORPORATE RESPONSIBILITY AT BOARD LEVEL	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE (PROJECTED)
	19. STRENGTHEN PUBLIC SECTOR TRANSPARENCY BOARD	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE (PROJECTED)

NEXT STEPS	Maintenance and monitoring

Full text of the commitments

Strengthening corporate and personal responsibility by:

- *introducing a corporate responsibility at [the Transparency] Board level to ensure that the right to data is being met (for the organisation and all service providers in the public, private, and third sectors) based on the Caldicott guardian model;[1]*

- *strengthening the role and broadening the membership of the Public Sector Transparency Board chaired by the Minister for Cabinet Office.*

What happened?

These commitments are described by UK government officials as being fulfilled. An official from the Transparency Team stated that, "All departments have a nominated a senior official for transparency, who meets regularly with the Cabinet Office Cross–Government Transparency Team to discuss the open data agenda and to make decisions on cross–government issues. Below this is the 'working group' of

practitioners from each department that meet to look at the everyday issues of releasing data. (These groups have been described in interviews as departmental open data champions.)

"The role and membership of the Public Sector Transparency Board has been strengthened by the appointment of Dame Fiona Caldicott as the privacy expert and each of the departmental sector boards has also now appointed independent privacy experts."[2]

Did it matter?

The Public Sector Transparency Board was established in 2010 before the creation of the UK OGP National Action Plan. It has given rise to a number of transparency boards in local government, criminal justice, and transport. The membership of these boards is not exclusively government departments or public authorities.[3]

No specific challenges in implementation have been identified, although the frequency with which each of these bodies meets, or the frequency with which

TOC

members were present, has not been established in the course this review.[4]

Moving forward

The work of these boards is well under way, requiring only maintenance and monitoring to ensure they continue to function.

[1] "Caldicott guardians" are senior staff members with a responsibility to ensure patient data held by the National Health Service is kept secure. They are named after Dame Fiona Caldicott, whose report found weakness in how such confidential data was held.
[2] OGP UK 2011 National Action Plan Self–Assessment Report, Annex C.
[3] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013; Steve Wood. Head of Policy Delivery, Information Commissioner's Office, interview, 17 May 2013; Welfare Sector Transparency Board, http://bit.ly/18ywqlr
[4] Officials 2 and 3, Transparency Team, Cabinet Office, interviews, 15 May 2013.

Cluster 10 | Corporate and Personal Responsibility: Other Public Sector Transparency Boards

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Other government departments
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information
OGP GRAND CHALLENGES	More effectively managing public resources, Improving public services
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	20. EXPANDING COVERAGE OF TRANSPARENCY BOARDS	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE ▼ (PROJECTED)
	21. REVIEW PUBLIC SECTOR INFO MODEL	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE ▼ (PROJECTED)

NEXT STEPS	Maintenance and monitoring

Full text of the commitments

Strengthen corporate and personal responsibility by:

- *bringing the Sector Transparency Board model to other parts of the public sector that hold datasets of greatest value. These boards will bring input from experts to support and challenge government in making more data public. They could ensure that data publication is prioritised to deliver the maximum benefit; and*

- *reviewing the existing governance and regulatory model for public sector information in government.*

What happened?

Both commitments were completed, and the first was completed ahead of schedule. The government's assessment is that the commitment to bring the Sector Transparency Board model to other parts of the public sector that hold datasets of greatest value has been fulfilled. The review of the existing governance and regulatory model for public sector information

in government is in progress. It is reported that the United Kingdom has 11 active sector boards with more being considered.[1] No significant challenges in meeting the commitments were reported. The sector boards were not all created at the same time and the mix of government and external or non–government stakeholders depends on the profile of the sector.[2]

Stephan Shakespeare, who was appointed chair of the Data Strategy Board in June 2012, conducted the review of the existing governance and regulatory model. His report, "Shakespeare Review," was published in May 2013.

Did it matter?

The Public Sector Transparency Board existed before the action plan was created, and the sector transparency boards are natural emanations of that model. The commitment extends, but does not necessarily stretch, practice. The involvement of nongovernmental bodies is not unusual for the UK Government in consultative or coordinating bodies.[3] It is however, a significant change

TOC

to have dedicated, embedded processes for transparency at the sectoral level.

Many of these initiatives began before they were formalised into the action plan. Even so, significant progress was made in many respects, most importantly in maintaining the momentum of mandating agential and institutional uptake. As an example of this institutionalisation, the Welfare Sector Transparency Board includes the director general of Department of Work and Pensions Professional Services, along with members from the financial services sector, employment–related service providers, academia, the Information Commissioner's Office, the Citizens Advice Bureau, the Demographics User Group, and the Cabinet Office. It is supported by an external stakeholders' group, which includes members from private pharmacy companies, Citizens Advice, and the International Services Company (SERCO).[4] The IRM researcher did not identify the level to which a broader range of stakeholders has begun to capitalise on the activities of the boards.

Moving forward

The IRM researcher recommends continued maintenance and monitoring of these boards. Shakespeare's review of the government and regulatory model for public sector information government recommended ambitious objectives, especially around the goal of creating a unified channel for opening government–held data (see section F: "Moving Forward"). If adopted, these recommendations would have a significant impact on the government's action plans in coming years.

TOC

[1] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013; OGP UK 2011 National Action Plan Self–Assessment Report, Annex C.
[2] OGP UK 2011 National Action Plan Self–Assessment Report, Annex C.
[3] Official 2, Transparency Team, Cabinet Office, interview, 15 May 2013.
[4] In July 2013, a Ministry of Justice review found that SERCO and a rival security firm, G4S, had overcharged the UK Government tens of millions of pounds on a contract to tag offenders, http://bit.ly/15iGzTL

Cluster 11 | Collecting and Publishing the Right Data: Data Inventories

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information
OGP GRAND CHALLENGES	More effectively managing public resources
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Both

LEVEL OF COMPLETION

22. FRAMEWORK FOR DATA INVENTORIES

NOT STARTED		LIMITED	(CURRENT)		SUBSTANTIAL		COMPLETE

(PROJECTED)

23. INTELLIGENT INVENTORIES

NOT STARTED		LIMITED	(CURRENT)		SUBSTANTIAL		COMPLETE

(PROJECTED)

NEXT STEPS	Significant revision of the commitment

Full text of the commitments

Collect and publish the right data by:

- *establishing a framework for public service providers to have common, consistent, and transparent data inventories outlining what datasets are held, and whether or not they are open, using standards set by central government. Inventories would need to be built in a modular way, over time, and should begin with high–priority data.*

- *developing a clear methodology to support intelligent inventories that are prioritised by value.*

What happened?

The UK Government assesses that this commitment "will be fulfilled." However, it has indicated that the Cabinet Office is now looking at an innovative way to collect data for inventories with work begun in spring 2013.[1]

The IRM researcher found that it will be difficult to fulfil the commitments as written. Immense challenges were faced because of the breadth of the commitments.

The ambition was highly aspirational, and experience suggests that it cannot be achieved completely. The intention was to establish a framework and standards for public service providers (not just those in central government) to create common, consistent, and transparent inventories outlining what datasets were held and whether or not they were open. However, there were simply too many departments and agencies of government as well as external agencies reliant on public funding to be brought in line with central standards, taking into account the quality and quantity of information and the manner in which it had been collected and stored.[2]

Did it matter?

As well as confirming data that is held and published, the perceived benefit of the proposed inventory was to make known the type of data that is held but not yet published.

Moving forward

This commitment needs significant revision if its goals are to be met. The revised approach to establishing inventories is likely to be pragmatic and incremental, and does not demand a complete inventory of information held in government departments. By achieving a better understanding of how departments have captured data, a limited inventory can be built. Although this approach will not generate an overarching government inventory, the collected information of data–holding departments would ideally appear on data.gov.uk inventory lists of unpublished information, accompanied by reasons why the information is not yet published. This list could be updated as inventory items are added. If items are published, links should be made to the published data.[3]

TOC

[1] Official 4, Transparency Team, Cabinet Office, interview, 15 May 2013; OGP UK 2011 National Action Plan Self–Assessment Report, Annex C.
[2] Officials 3 and 4, Transparency Team, Cabinet Office, interviews, 15 May 2013.
[3] Ibid.

Cluster 12 | Collecting and Publishing the Right Data: Improving Efficiency of Access

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Accountability, Technology and innovation
OGP GRAND CHALLENGES	More effectively managing public resources
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	24. REDUCTION OF UNNECESSARY DATA	NOT STARTED — LIMITED — WITHDRAWN (CURRENT) — WITHDRAWN (PROJECTED) — SUBSTANTIAL — COMPLETE
	25. DATA.GOV.UK	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE (PROJECTED)

NEXT STEPS	Reduction of unnecessary data: Significant revision of the commitment
	Data.gov.uk: Maintenance and monitoring

Full text of the commitments

Collect and publish the right data by:

- *ensuring a clear process to support a reduction in collection of "unnecessary data," which maximises opportunities to streamline the volume of data, and ensures resources are focussed on collecting essential data; and*

- *developing data.gov.uk and identifying other digital channels to support users in finding and accessing relevant high–quality data and easy–to–use tools and applications.*

What happened?

The UK Government assesses that it has partially fulfilled these commitments. It says, however, that the commitment to establish a clear process to reduce the collection of unnecessary data will never be fulfilled. The findings of the IRM researcher concur and the commitment to reduce collection of unnecessary data is being revised.[1]

Trying to reduce collection of unnecessary data skewed the purpose of this commitment. Of course, unnecessary duplication should be avoided, especially when high–quality data would be better collected by another department or agency. However, without an inventory of government databases (addressed in a previous commitment), it is felt that the focus should be on encouraging departments and agencies to identify the core datasets they should hold, develop, and publish. If they find duplication or poor–quality data collection, they should address the problem.[2]

Significantly more progress was made in releasing data to the public. Data.gov.uk is described as fulfilling its role by evolving "to ensure that it remains a world leader in government portals."[3] Data.gov.uk was re–launched during this action plan reporting period. The aim was to:

TOC

- Simplify the process of finding data without taking away the more complex aspects expected by the seasoned users.

- Expand the amount of information available around a dataset to promote better contextualisation.

- Make it easy to "discover" data through searches or through perusal of publishers or tags.

- Make the engagement aspects of the site more comprehensive, dynamic, and substantial;

- Strengthen data presence across the site.

- Bring back the emphasis on new developments and innovation around open data technologies.

- Make it easier and better for data owners to publish more data.

Did it matter?

The approach to data collection does not necessarily stretch government practice, but requires a degree of leadership, central coordination, commitment to delivery, and monitoring to address concerns about potential duplication or a lack of focus on core datasets.[4]

Data.gov.uk was established before the action plan was created and maintaining its reputation may not stretch government practice, but it deserves to be acknowledged as being ambitious. User comments on the site are generally positive.[5] The IRM researcher did not find whether or not there is significant uptake of the data.

Moving forward

The IRM researcher recommends significant revision of the commitment based on the findings of the Shakespeare Review, which recommends a focus on core reference datasets, but ambitiously removes reliance on departments and agencies for identifying these datasets. It says:

- Government should define 'National Core Reference Data' as the most important data held by each government department and other publicly funded bodies; this should be identified by an external body;

- Every government department and other publicly funded bodies should make an immediate commitment to publish their Core Reference Data to an agreed timetable and to a high standard to maximise linkability, ease of use and free access

- Alongside this high–quality core data, departments and other public sector bodies should commit to publishing all their datasets (in anonymised form) as quickly as possible without using quality concerns as an obstacle. To quote the Shakespeare Review, "If there is a clash between data quality and speed to publication, they should follow the 'publish early even if imperfect' principle."[6]

[1] Officials 3 and 4, Transparency Team, Cabinet Office, interviews, 15 May 2013.
[2] Officials 3 and 4, Transparency Team, Cabinet Office, interviews, 15 May 2013.
[3] Officials 3 and 4 Transparency Team, Cabinet Office, interviews, 15 May 2013
[4] Officials 3 and 4, Transparency Team, Cabinet Office, interviews, 15 May 2013. See also, Shakespeare, Shakespeare Review.
[5] "Major Relaunch of Data.Gov.UK Goes Live," LOD2, http://bit.ly/1892IHX
[6] Shakespeare, "Shakespeare Review," May 2013.

Cluster 13 | Maximise the Opening Up of Data

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information
OGP GRAND CHALLENGES	More effectively managing public resources, Improving public integrity
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION		NOT STARTED	LIMITED	(CURRENT)	SUBSTANTIAL	COMPLETE (PROJECTED)
	26. EVIDENCE BEHIND POLICY STATEMENTS		▼			△
	27. PUBLISHING DATA UNDER SURVEYS		▼			△
	28. IMPROVING USE OF EXISTING DATA		▼			△

NEXT STEPS	Extension building on existing implementation

Full text of the commitments

Maximise the opening up of data by:

- *routinely publishing evidence and databases behind policy statements in the way that currently happens around budget statements;*

- *routinely publishing the data underlying surveys at the same time as the survey analysis is published; and*

- *examining ways for improving the use of existing published data for policy and research purposes.*

What happened?

The UK Government assesses that these commitments have been partially fulfilled. However the update on progress is scant and some external stakeholders are sceptical as to the degree to which evidence and databases behind policy statements are being routinely published. At best this is done on an ad hoc basis depending on the attitude of the department.[1]

The primary challenge appears to be the extent to which departments are prepared to disclose evidence and datasets behind policy statements. Some departments appeared willing and capable of so doing while others had limited aspirations or overriding concerns such as privacy, which inhibited their preparedness to disclose data.

As a positive example, public access to budgetary and financial spending data provides evidence and databases underpinning policy statements. In other areas, however, information is restricted. For example, the UK Government's self–assessment makes specific reference to the HM Revenue and Customs (HMRC) Datalab, which is for use by researchers and academics. The HMRC and Economic and Social Research Council sites[2] confirm that only "Academic

TOC

researchers whose projects have been approved by HMRC and have completed the required training will be able to use the HMRC Datalab in London to access anonymised administrative and survey data that are relevant to their project." Datalab is not an OGP action plan initiative, having been launched in May 2011.[3]

Did it matter?

These commitments do not stretch practice beyond that which existed before the action plan was created. The current and previous governments have made available evidence and databases underpinning policy decisions and statements.

One stakeholder recalled the commitment in the 1997 Code of Practice on Access to Information to "supply facts and analysis with major policy decisions."[4]

Perhaps most prominent available database is the Treasury's Combined Online Information System (COINS) which includes:

- Plans–authorised departmental spending;

- Outturn–actual spending for years that have ended;

- Forecast outturn–monthly in–year outturn (estimated actuals for months that have ended) and forecasts (for future months);

- Audited outturn–year–end statutory accounts data for the public sector.[5]

There is evidence that third parties use these datasets. For example, the media uses COINS data extensively during the autumn release of the Chancellor's spending statement and uses budget data to generate comment, graphics, and links.

While providing systematic and timely data underpinning policy decisions and statements is not an exception, it is not yet the rule despite the commitments given in the action plan.[6]

The continuing challenge lies in the lack of certainty that the information sought will have been published at a time and in a manner that provides an evidence base for policy decisions and statements.[7]

Moving forward

The IRM researcher recommends extension of this set of commitments by building on existing implementation to provide demonstrable evidence that timely publication of the evidence and databases behind policy is becoming the norm, and, if it is, to make such evidence and databases readily and prominently available. If it is shown that disclosure is ad hoc, measures should be taken to ensure a better degree of consistent good practice across government.[8]

[1] OGP civil society network focus group, London, 16 May 2013; Maurice Frankel, Director, Campaign for Freedom of information, 16 May 2013. Official 4, Transparency Team, Cabinet Office, interview, 15 May 2013.
[2] Economic and Social Research Council and HM Revenue & Customs, "Datalab," http://bit.ly/SyMQaD; HM Revenue & Customs (HMRC), "About the HMRC Datalab," http://bit.ly/yEtGoK
[3] Official 4, Transparency Team, Cabinet Office, interview, 15 May 2013.
[4] OGP civil society network focus group, London, 16 May 2013. Code of Practice on Access to Government Information. Parliamentary Commissioner for Administration. 1997. http://bit.ly/153fF7c
[5] Simon Rogers, "Government Spending by Department, 2011–12: Get the Data," Guardian, 4 December 2012, http://bit.ly/18yLuzN
[6] Maurice Frankel, Campaign for Freedom of Information, London, 16 May 2013
[7] OGP civil society network focus group, London, 16 May 2013.
[8] Ibid.

Cluster 14 | Stimulate the Market for Innovative Use of Open Data

COMMITMENT SUMMARY

LEAD INSTITUTION	Cabinet Office
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Participation, Accountability
OGP GRAND CHALLENGES	Improving public services
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION

NOT STARTED — LIMITED ▼ **(CURRENT)** — SUBSTANTIAL — COMPLETE ⚠ **(PROJECTED)**

NEXT STEPS	Extension building on existing implementation

Full text of the commitment

Stimulate the market for innovative use of open data by requiring public service providers to report each year on how they are building collaborative relationships with the user community, including the commercial sector, to promote the use of [government–held] data.

What happened?

The IRM researcher finds this commitment has shown limited progress and is behind schedule. Similarly, the UK Government describes this commitment as being partially fulfilled. The primary achievement is the establishment of the Open Data Institute in October 2012 to "unlock enterprise and social value" from open government data. In addition, the Open Data User Group (ODUG) was established to support the work of the new Data Strategy Board (DSB) advising on prioritising public sector data for release as open data.

The commitment encompasses all public service providers, thus extends well beyond services delivered by government and requires initiatives by other service providers, including non–profit and private institutions. The government has not pursued its intent to encourage or require public service providers to make an annual report. Therefore, it is not clear whether any bodies outside central government have built collaborative relationships. The focus of attention has been on building central government structures that can serve as examples. The nascent development environment to make use of and add value to data is not as well advanced as was hoped, according to some observers, limiting the number of significant success stories about the use of government data.

Finally, while the government is committed to unlocking the value of data held by public service providers, there remains some doubt about how to value the social benefit from disclosure in time saved or improved public service delivery. The Shakespeare Review called for "new ways to gather evidence of the economic and social value of opening up Public Sector Information and government data, and how it can be further developed taking into account the latest innovations in technology."[1]

Did it matter?

The commitment would have stretched government well beyond current practice. No mechanism for reporting was in place and, perhaps more importantly,

decentralised examples of collaborative relationships for use of data, with, say, the business community, remain limited.

In reporting partial fulfilment of the commitment, the UK Government noted the establishment of ODUG, comprising 13 external specialists with expertise in producing, analysing, and using information. The group's purpose is to gather views of open data users and re–users to influence releases of free data through government's Data Strategy Board . From September 2012 to May 2013, the Data Strategy Board has received over 400 requests for data to be published. A road map of requests received, their status (e.g., whether released, being considered for release, not capable of release etc.) is maintained online.[2]

No challenges were mentioned in making requests to ODUG. Requests are being made by private individuals, academics, large companies, small businesses, and voluntary organisations. Private individuals make most of the requests.

Requesters are expected to make a reasoned case as to why the data should be disclosed. Certain requests require a business case to be made by ODUG to the Data Strategy Board, which will prioritise action and investment.

The challenge may lie in making the business case, because the benefit may be social or nonspecific (e.g., costs may be recouped only through general taxation revenues resulting from economic growth).

Moving forward
The IRM researcher recommends extension of the commitment building on existing implementation. Many of the Shakespeare Review's extensive and ambitious recommendations impact this commitment. In particular, the review calls for a creation of a "data intelligence and innovation group that includes experts from within and outside government that as part of its wider role supports, challenges and takes forward thinking on how to improve the collection, processing and use of PSI."[3]

In terms of the next action plan, it is unlikely that a specific reporting requirement on public service providers will be included. Instead, the plan is likely to call for widening the knowledge about the social and economic advantages of information disclosure, derived in part from emerging examples.[4]

---

[1] Shakespeare, "Shakespeare Review," May 2013; Officials 3 and 4, Transparency Team, Cabinet Office, interviews, 15 May 2013.
[2] Officials 3 and 4, Transparency Team, Cabinet Office, interviews, 15 May 2013.
[3] Shakespeare, "Shakespeare Review," May 2013.
[4] See Shakespeare, recommendation 7 for an example; Peter Lawrence, Deputy Director and Official 3, Transparency Team, Cabinet Office, interviews.

52 | IRM | UNITED KINGDOM PROGRESS REPORT 2011-13

Cluster 15 | Overseas Development Assistance

COMMITMENT SUMMARY	
LEAD INSTITUTION	Department for International Development
SUPPORTING INSTITUTIONS	No
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Accountability
OGP GRAND CHALLENGES	Increasing public integrity, More effectively managing public resources
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	30. 5% OF AID FOR ACCOUNTABILITY	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE ▼ (PROJECTED) ▽
	31. OGP ELIGIBIL-ITY CRITERIA	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE ▼ (PROJECTED) ▽
	32. PUBLISH AID DATA	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL ▼ — COMPLETE (PROJECTED) ▽

NEXT STEPS	Extension building on existing implementation

Full text of the commitments

Overseas development assistance:

- *Spend up to 5 percent of budget support on strengthening local accountability*
  - *Spend up to 5 percent of budget support (as additional funds) on strengthening local accountability to support progress towards related OGP goals.*
- *Include OGP eligibility criteria in assessment for support*
  - *Include the OGP eligibility criteria and related datasets in our overall assessment processes, which determines the readiness of partner governments for UK budget support. This inclusion will further strengthen our approach that is based on robust assessments of partner*

governments' commitment to improving public financial management; strengthening human rights; increasing domestic accountability and reducing poverty.

- *Publish Aid information in line with the International Aid Transparency Initiative (IATI)*
  - *Publish aid information from all government departments that spend overseas development assistance (ODA) in line with the IATI standards, extending coverage to other departments in addition to the Department for International Development. Within 12 months, we will have agreed on a clear timetable for publication of aid information with relevant departments.*

What happened?

The IRM researcher found substantial fulfilment of this cluster of commitments, and the UK government self–

TOC

assessment described them fulfilled. A number of the commitments on publishing aid data are scheduled to take place in 2013–14.[1] This schedule is in keeping with the United Kingdom 's timetable for implementation; publishing aid data from some of the government departments would begin in 2013, so progress is on schedule.

Progress on each commitment is dealt with individually.

Five percent of budget support on strengthening local accountability: The commitment to spend up to 5 percent of budget support on strengthening local accountability to support progress against related or OGP goals would presumably apply to the programs of the 11 countries to which budget support is provided. For example, Rwanda says an amount equivalent to approximately 5 percent of UK budget support will be spent on strengthening domestic accountability over the comprehensive spending review period.[2] Programmes include supporting key accountability institutions such as Parliament (including the Budget Committee and the Public Accounts Committee) and the Office of the Auditor General (OAG).[3]

OGP criteria are included in assessment for support: The same document addresses the UK Government's own OGP National Action Plan commitment to take into account performance by recipient countries against OGP criteria when considering decisions about providing budget support. It says:

> According to OGP scoring criteria, (fiscal transparency, access to information, asset disclosure and aspects of citizen engagement), Rwanda would be unlikely to meet the eligibility threshold for OGP membership. A number of reforms that are planned or already underway, including publishing the Executive Budget Proposal, and passing an Access to Information Law (currently being reviewed by Parliament), should increase Rwanda's score significantly.[4]

Publication of aid data: Some aspects of the cluster are to be fulfilled in the near term with respect to publishing aid information in line with IATI standards, however, for most departments providing ODA, publication will not occur until mid–2013 to spring 2014. The UK Department for International Development (DFID) received the highest score of 72 organisations internationally assessed by the

non–profit organization Publish What You Fund – The Global Campaign for Aid Transparency. It said, "DFID has led the way globally in championing transparency and has pioneered the publication of its own aid information to the International Aid Transparency Initiative standard."[5]

Civil society groups interviewed took the view that, "The most significant aid component of the NAP [national action plan] is the whole–of–government approach to publishing aid information." They noted that, " An ambitious timetable that requires publication of all external assistance information (with the use of best practice exemptions policies where necessary) would be a significant achievement and would maintain the UK's global leadership in this important area."[6]

Some departments will find publication to the required standard challenging. Unlike DFID, the Foreign and Commonwealth Office (FCO), which ranks 60th of 72 on the Aid Transparency Index,[7] regards the intention to "begin publishing ODA data in March 2013, working to full implementation of the IATI standard[8] by March 2014" as ambitious. The extent to which aid transparency and publication to the IATI registry is no longer a purely DFID focussed agenda can be seen, for example, by the commitment in the national action plan to begin to publish data from the home office by April 2013. (Indeed the IATI Registry shows the first such data publication was made on 10 April 2013 regarding "support to those granted refugee status in the UK.")

Did it matter?

Although the commitment to publish aid data to the required standard goes beyond the current practice of certain departments, it reflects current (good) practice. The UK government is a recognised leader in aid transparency and was among the donors that established IATI in 2008 and DFID was one of the first donors to publish to the necessary standard. It is perhaps not surprising, therefore, that the commitments can be regarded as measures already underway or in the pipeline and "would have happened anyway" according to one stakeholder interviewed.

TOC

There is strong evidence of the plans being carried into effect. As indicated, data is being placed on the IATI Registry, including from arms of government that have not previously done so. A timetable is in place for future publication of data to the required standard. Current proposals for budgetary support reflect the commitment to make an assessment that includes OGP eligibility criteria. The government has actively drawn attention to the increased transparency of its aid programme in the media.[9]

Insofar as the implementation consists of a schedule for more information to be made available to the required standard, stakeholders are adopting a watching brief. For some of the government departments, the necessary level of transparency is said to require a cultural shift that may be challenging, given previous performance.[10]

Moving forward

The IRM researcher recommends extension building on existing implementation. The immediate next step is to meet the schedule for improved transparency by all arms of government involved in the provision of aid within the period scheduled for delivery.

Beyond that, the IRM researcher recommends that stakeholders look to the UK Government to take an international lead on increased sectoral transparency, for example, in extractive industries, natural resource use, taxation, and contracting, which would spur greater transparency in commercial activities. The draft UK National Action Plan 2013[11] indicates that commitments in these areas are under consideration.

[1] OGP UK 2011 National Action Plan Self–Assessment Report, Annex C.
[2] "Growth and Poverty Reduction Grant to the Government of Rwanda," Department for International Development (DFID), (2012/13–2014/15). http://bit.ly/19fewW6
[3] DFID, "Growth and Poverty Reduction Grant to the Government of Rwanda." Business Case V3.6, July 2012, (paragraphs 51 and 58). http://bit.ly/18yQaLT
[4] Ibid.
[5] Publish What You Fund, "UK Aid Transparency Report Card 2012," http://bit.ly/W6dOWQ
[6] Open Government Partnership UK, "UK Civil Society Perspectives on the National Action Plan," http://bit.ly/J2t3Yt
[7] Publish What You Fund, "UK Aid Transparency Report Card 2012."
[8] International Aid Transparency Initiative, http://www.iatiregistry.org/publisher/hooda
[9] Justine Greening, "Aid Transparency is UK's Top Priority," Global Professionals Development Network, 29 November 2012, http://bit.ly/16EQUMV
[10] Andrew Clarke, Publish What You Fund; Alan Hudson, ONE, at OGP civil society network focus group.
[11] OGP UK Action Plan 2011.

TOC

Cluster 16 | Information and Communications Technology: Going Digital

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office Digital Team
SUPPORTING INSTITUTIONS	Relevant agencies
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Participation, Technology and innovation
OGP GRAND CHALLENGES	Improving public services, Improving public integrity
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION

33. SINGLE DOMAIN
NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE
(PROJECTED)

34. CHANNEL SHIFT TO ONLINE
NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE
(PROJECTED)

NEXT STEPS	Further work on basic implementation

Full text of the commitments

UK Government Information and Communications Technology (ICT) Strategy:

- *Use a single domain for government services. Access to data offers key benefits by enabling access to online transactional services, which makes life simpler and more convenient for citizens and businesses (for instance in accessing and applying for student loans or jobseeker's allowance) and offers channels to collaborate and share information with citizens and business. This in turn enables the innovation of new online tools and services.*

  - o *For these reasons the government will work to make citizen-focussed transactional services "digital by default." Where appropriate, this will be done by using Directgov as the single domain for citizens to access public services and government information. Direct.gov.uk is the UK Government's digital service for all citizens, providing a single point of access to public sector information and services. The site receives more than 15 million visits a month, from around 8 million unique users.*

  - o *For those for whom digital channels are less accessible (for example, some older or disadvantaged people) the government will enable a network of "assisted digital" service providers, such as post offices, UK online centres, and other local service providers.*

- *Mandate a channel shift.*

  - o *To make citizens' lives simpler and easier, the government will mandate a "channel shift,"—moving information online–in selected government services.*

What happened?

Significant progress has been made on aspects of these commitments. While the action plan provided no timeline, the IRM researcher, based on interviews, finds most elements of these commitments are on time or ahead of the schedule.

Regarding the use of a single domain for government services, Gov.uk was launched successfully as part of the UK Digital by Default initiative to put all government transactional services online.[1]

To assist the 20 percent of UK citizens who are not online, the government has published its "Approach to Assisted Digital" and is currently testing it via 25 "exemplar" services. Approach to Assisted Digital will ensure that UK citizens who are offline have access to government services. A publication describing the service states, "People who need this support will be able to access a service face to face, by phone, or in another appropriate non–digital way, with someone either inputting their data into the digital system on their behalf, or helping them put their data into the digital service themselves."[2] In that sense, this portion of the commitment is still in progress.

Following the central government's Digital by Default initiative and the channel shift mandate, each department has also released its own strategy.[3]

Did it matter?
Many of these initiatives began before being formalised into the action plan. Even so, significant progress was made, most importantly in maintaining the momentum of mandating agential and institutional uptake.

Overall, one stakeholder characterised these changes as a "radical shift in online government" that has allowed government to be more responsive.[4]

There is strong evidence of public uptake of many elements of these commitments:

- According to the self–assessment, the unified government site "receives more than 15 million visits a month, from around 8 million unique users."

- The assistance portal has a function for public commentary on the exemplars that appears to be well monitored.[5]

- The Digital Leaders programme, while not part of a commitment, was responsible for evaluating compliance with the channel shift and will publish an annual review in December 2013.[6]

- All 24 Ministerial departments are online, although only 31 of the 300–plus other public bodies have shifted.

One stakeholder interviewed seemed disappointed with performance of the "assisted digital" commitment to bridge the digital divide. It has been pointed out that such a commitment is difficult to implement within an austerity budget.

Moving forward
The IRM researcher recommends continued implementation of the commitment, especially expansion and monitoring of the "Approach to Assisted Digital" effort.[8]

[1] Tom Loosemore, "Announcing the Beta of Gov.UK," Government Digital Service, http://bit.ly/z2Aspd
[2] Description of Assisted Digital: http://bit.ly/1f7d12p
[3] Links to digital strategies of each department: http://bit.ly/Uhc1zp
[4] Tim Davies, Practical Participation, personal communication with IRM team, 21 June, 2013.
[5] Example of assistance portal interaction: http://bit.ly/135OBzL
[6] Digital Leaders, http://digitalleaders.co.uk/
[7] Ibid.
[8] Ibid.

Cluster 17 | ICT: Improving Public Engagement through ICT

COMMITMENT SUMMARY	
LEAD INSTITUTION	Cabinet Office Digital Team
SUPPORTING INSTITUTIONS	Relevant agencies
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Participation, Technology and innovation
OGP GRAND CHALLENGES	None
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	35. ONLINE CONSULTATION	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE ▼ (PROJECTED)
	36. SOCIAL MEDIA GUIDELINES	NOT STARTED — LIMITED — (CURRENT) — SUBSTANTIAL — COMPLETE ▼ (PROJECTED)

NEXT STEPS	Extension building on existing implementation

Full text of the commitments

UK Government Information and Communications Technology (ICT) Strategy:

- *Go online for all consultations: To facilitate a two–way dialogue with citizens, departments will ensure that an online channel is included in all government consultations.*

- *Practical guidelines for departments on social media: To embed social media as a mainstream channel used routinely to engage with citizens, business, and internally, the government will develop practical guidelines on departmental access to the internet and social media channels.*

What happened?

The various aspects of this commitment were completed. While the action plan provided no timeline, most elements of these commitments seem to be progressing during the implementation period.

- Government consultations are fully online. Each consultation provides hyperlinked information about the responsible department and Minister as well as the relevant government policy. Relevant documentation (reports, proposals) is available for download as both PDF and MS Word files. The FOI policy is published at the bottom of each page.[1]

- The government published its social media guidelines in May 2012, fulfilling that commitment.[2]

Did it matter?

There is some evidence of public uptake of many elements of these commitments:

- The assistance portal has a function for public commentary that appears to be well monitored.[3]

- Several government–managed social media accounts are popular. The government uses the Highway Code as an example: it has over 22,000 followers on Twitter. Other departments have participatory social media outlets, including the Department of Health's "Health Conversations" on Facebook.[4] It is not clear from the IRM research whether the change in policy has led to increased engagement and use of public feedback.

TOC

Consultations, although online, are not shown in a public docket format where other participants can see the commentary. Instead, the site requires email submissions that are later compiled into an analytical "summary of responses" that the government releases on the same site.

Moving forward

The IRM researcher recommends expansion building on the existing commitment. The existing public participation platforms show summarized comments. In the future, documentation and commentary should be made available in a format that allows the public to read other public comments.

Cluster 18 | ICT: Improving Interfaces

COMMITMENT SUMMARY

LEAD INSTITUTION	Unclear
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Participation, Technology and innovation
OGP GRAND CHALLENGES	Improving public services
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

		NOT STARTED	LIMITED	(CURRENT)	SUBSTANTIAL	COMPLETE

LEVEL OF COMPLETION

37. OPEN DATA FOR BUSINESS USE — Current: LIMITED; Projected: SUBSTANTIAL

38. API STANDARDS — Current: LIMITED; Projected: between LIMITED and SUBSTANTIAL

39. SATISFACTION DATA — Current: LIMITED; Projected: SUBSTANTIAL

NEXT STEPS	Further work on basic implementation

Full text of the commitments
UK Government ICT Strategy:

- *Open data for businesses:*
  - *The government will open its data and application interfaces in ways that encourage businesses and social providers to develop new market opportunities. For example, the website Mumsnet uses Directgov tools built on standardised interfaces to provide users with up–to–date information on schools and family services.*

- *Cross–government standards on Automated Programming Interfaces (APIs):*
  - *To open up new, innovative services from a diverse range of providers, the government will create cross–government standards on APIs and develop a quality assurance "kite–mark."*

- *Standardised formats for user satisfaction data:*
  - *The government will establish standardised formats for user satisfaction data so that users can compare and contrast their experience of the service they receive with that of others.*

What happened?
The specific commitments to open data for business and API standards are incomplete at the time of writing and will not be completed during the implementation period for the current action plan. Both the open data for business and cross–government API standards commitments were waiting on the provision of open API access to content and data at gov.uk, expected in October 2013.[1]

Progress on the commitment on standardized formats for user satisfaction is limited. However the dates to

TOC

actually roll out these standards as portrayed in the self–assessment seem significantly sooner than the dates given on the government websites in question. The websites for new Digital by Default orientation[2] do not require departments to implement the changes until 2014, while the self– assessment says, "The Digital by Default service standard will set out a methodology for consistent user satisfaction metrics across Government services. This will be launched in April 2013."

Did it matter?
This commitment has not been implemented.

Moving forward
The IRM researcher recommends further work on basic implementation, either by renewing the commitment in the action plan or clarifying and possibly accelerating the timetable for provision of open API access.

TOC

[1] Service standard: http://bit.ly/Z6MMR4
[2] UK Cabinet Office, "Government Digital Strategy," November 2012. http://bit.ly/156jinQ

Cluster 19 | ICT: Developing Open Data Standards

COMMITMENT SUMMARY	
LEAD INSTITUTION	Government Digital Service (GDS)
SUPPORTING INSTITUTIONS	Unclear
POINT OF CONTACT SPECIFIED?	No
OGP VALUES	Access to information, Participation, Technology and innovation
OGP GRAND CHALLENGES	None
SPECIFICITY OF GOAL	High
ACTION OR PLAN	Carry out action

LEVEL OF COMPLETION	40. OPEN DOCUMENT FORMATS	NOT STARTED — LIMITED — **(CURRENT)** — SUBSTANTIAL — COMPLETE ▼ **(PROJECTED)**
	41. CROWD-SOURCE DATA STANDARDS	NOT STARTED — LIMITED — **(CURRENT)** — SUBSTANTIAL — COMPLETE ▼ **(PROJECTED)**

NEXT STEPS	Extension building on existing implementation

Full text of the commitments

UK Government ICT Strategy:

- *Provide government documents in open standard format. The government believes that citizens should be able to read government documents with a standardised document format reader of their choice. The first wave of compulsory open standards will determine, through open consultation, the relevant open standard for all government documents.*

- *Implement crowd–sourcing and engagement processes: To ensure that appropriate data is transparent and shared rather than duplicated, the government will implement engagement processes for open data standards activity and crowd–source priority areas for data standards.*

What happened?

Through a process of open consultation, the government released the Open Standards Principles in November 2012 (according to the self–assessment) and updated it in April 2013.[1]

Before the Government Digital Service (GDS) could progress with this commitment, it held public consultation to clarify its definition of open standards. The government launched the crowd–sourcing platform, Standards Hub, currently in beta, where it publishes challenges and invites the public to comment (in public forums), comment on other user–identified challenges, and develop proposals. After the closing of a comment period, the author of the challenge (either the government or another user) chooses which proposal to submit to the Open Standards Board, which can adopt the standard. The site is then used to monitor implementation of the standard.[2]

The government adopted a royalty–free definition of open standards that enables GDSs open standards to be implemented in both open source and proprietary software.[3]

By the GDS's own admission, "Resource to develop data standards cannot always keep pace with the

requirements of stakeholders," but "a Breakthrough Fund, provided by the UK's Data Strategy Board is helping some departments to fund projects to develop data standards."[4]

Did it matter?

The management of online participation needed to carry out this commitment required a significant stretch on the part of government, especially GDS.

As evidence of uptake, the Standards Hub, at the time of writing, hosts eight topics for debate and public input. Additionally, the public has identified eight topics for discussion. There were 25 comments on the eight government–defined challenges. This limited usage is probably due to the highly technical and specific nature of the challenges posed.

According to one stakeholder, GDS, the department leading the UK's three ICT commitments has been the least involved in the OGP process. Although the commitments themselves have yielded positive e–government results, government has not been perceived as capitalizing on these developments to improve citizen participation, transparency, and accountability.[5]

Moving forward

The IRM researcher recommends extension of this commitment in the next action plan, building on existing implementation. In particular, the Standards Hub should continue as a platform for public debate on document formats. The UK Government has recognized that, "The issue of document formats will generate a significant amount of debate. We will embark on the selection of document standards once our selection process and the tools to support it have been tested."[6]

To enable this selection, the Standards Hub should continue to be developed according to plan. According to GDS, "The Standards Hub is being developed further, taking on board feedback from

users. Planning is underway to begin the work on document formats, including how we will engage with stakeholders through the Standards Hub and in working groups."[7] Such engagement can include feedback to participating individuals on how data should be used.

[1] Open Standards Principles: http://bit.ly/18WWSMe
[2] Standards Hub: http://standards.data.gov.uk/
[3] Officer, UK Government Digital Service, personal communication with the IRM, 23 June, 2013.
[4] Ibid.
[5] Tim Davies, Practical Participation, personal communication with IRM team, 21 June, 2013.
[6] Ibid.
[7] Ibid.

V | SELF–ASSESSMENT CHECKLIST

The self–assessment process in the United Kingdom went well. The government self–assessment was published on 24 April 2013. The draft was put up for public comment according to OGP guidelines from 2–15 April. While a number of public comments were submitted, the IRM researcher was unable to find either a specific number of comments or a summary of comments. The report contains an update on each commitment, although some commitments fall outside the prescribed assessment period.

Question	Answer
Was annual progress report published?	☒ Yes ☐ No
Was it done according to schedule?	☒ Yes ☐ No
Is the report available in the local language(s)? According to stakeholders, was this adequate?	☒ Yes ☐ No
Is the report available in English?	☒ Yes ☐ No
Did the government provide a two–week public comment period on draft self–assessment reports?	☒ Yes ☐ No
Were any public comments received?	☒ Yes ☐ No
Is the report deposited in the OGP portal?	☒ Yes ☐ No
Did the self–assessment report include review of consultation efforts?	☒ Yes ☐ No
Did the report cover all of the commitments?	☒ Yes ☐ No
Did it assess completion according to schedule?	☒ Yes ☐ No
Does the report reaffirm responsibility for openness?	☒ Yes ☐ No
Does the report describe the relationship of the action plan with grand challenge areas?	☒ Yes ☐ No

TOC

[1] Official 1, Transparency Team, Cabinet Office, interview; OGP UK National Action Plan Self–Assessment Report; Crocdoc Self–Assessment – Report (Final – April 2nd), http://personal.crocodoc.com/Pivfu2R.

VI | MOVING FORWARD

This section reviews the current national context for the existing action plan and provides general recommendations on development and implementation of the next action plan.

NATIONAL CONTEXT

The United Kingdom has taken a number of actions that affect its participation in OGP. These actions inform the context in which the next action plan is being developed.

Access to Information

The Protection of the Freedoms Bill 2012 completed its passage through Parliament and received Royal assent 1 May 2012.[1]

The Protections of Freedoms Act 2012 includes changes to the United Kingdom's access to information regime. It defines 'dataset' and requires public authorities, as far as is reasonably practicable, to provide datasets in a re–usable format when responding to freedom of information requests. It makes other provisions regarding of fees and licenses for reuse of data.[2] The Act widens the definition of a public authority to which the obligations of the Freedom of Information (FOI) Act 2000 apply.

The UK Parliament's Justice Committee published a post–legislative scrutiny of the FOI Act 2000 in July 2012.[3] The government rejected a number of the committee's conclusions. For instance the committee expressed concern that public authorities routinely extended the time taken to respond to requests for information, saying, "It is not acceptable that public authorities are able to kick requests into the long grass by holding interminable internal reviews." However, the government refused to amend the statute to require authorities to conduct internal reviews within 20 days (as in Scotland), but would incorporate this timeframe in a code of practice, along with a similar indicative period for extensions taken by authorities to consider whether disclosure is in the public interest. The government also signalled that it was "minded to explore options for providing that time taken to consider and redact information can be included in reaching the cost limits," thus allowing more staff time to be charged than was previously allowed.[4]

The government responded to the Justice Committee's concerns over lack of access to information held by outsourced public services by saying that its Protection of Freedoms Act brought over 100 additional bodies within the scope of FOI by including companies wholly owned by any number of public authorities and added, "We intend to continue consultations with over 200 more organisations, including the Local Government Group, National Health Service Confederation, harbour authorities, and awarding bodies, about their possible inclusion in relation to functions of a public nature that they perform; and then to consult more than 2000 housing associations on the same basis." However, the government agreed with the committee that contractual obligations should be placed on public service providers, which have not been statutorily brought within the scope of FOI, to provide information to allow the contracting public authority to fulfill FOI requirements.

Public Participation

The Civil Service Reform Plan issued by the government in July 2012 included a statement that "Open policy making will become the default." Observing that Whitehall does not have a monopoly on policy–making expertise,"[5] it undertook took to:

- Establish a clear model of open policy–making.
- Pilot contestable policy–making by establishing a centrally held match fund that can be used by Ministers to commission external policy development (for example, by academics and think tanks).

The House of Commons Public Administration Select Committee endorsed the aspiration but noted, "There is great potential for open and contested policy–making to deliver genuine public engagement. There is also a risk of disappointment and scepticism amongst the public about the impact of their participation, and that Government listens only to the media, lobbying and "the usual suspects."[6]

TOC

INDEPENDENT REVIEW OF PUBLIC SECTOR INFORMATION

The government commissioned Stephan Shakespeare, founder and Chief Executive Officer of the British Internet–based market research and opinion poll company YouGov, to conduct an independent review of public sector information (PSI).

His report, the Shakespeare Review, published in May 2013, contained nine recommendations. They include a call for a National Data Strategy, with a single body to be given the responsibility for driving increased access to PSI. The review proposes that every government department and other publicly funded bodies make an immediate commitment to publish its core reference data on an agreed timetable. Shakespeare said, "We should expect systematic and transparent use of administrative data and other types of PSI in the formulation, implementation, monitoring and adaptation of government policy and service delivery, and formally embed this in the democratic process."[7] (Reference has been made throughout this assessment to elements of his review).

There is no mention of the role of OGP in the report, or of how its recommendations would impact current or proposed commitments for the UK action plans.

However the government's detailed response (The Government Response to Shakespeare Review of Public Sector Information, June 2013) indicated that, "The National Data Strategy will be taken forward through the Information Economy Strategy …and we will set out our implementation plans through the UK OGP National Action Plan, which will be published in October."[8]

Thus, the government appeared not to be mindful of the view that the first action plan was overloaded with open data objectives. The Shakespeare Review proposals and the government response to them have a significant bearing on the United Kingdom's transparency agenda and should be reflected in the action plan. However, many stakeholders' desire that a wider scope of OGP grand challenges be addressed and that key commitments reflect a more balanced action plan. Moreover the government's public commitment to set out the implementation details of the National Data Strategy in its OGP action plan,

prior to the publication of a draft or indeed without the engagement of the civil society stakeholders forum and others involved in the co–production process, highlights some of the complexity of meeting open policy expectations.

Current (2011) Action Plan

The UK OGP National Action Plan 2011 has the characteristics of a document created to meet an obligation and a deadline. It combines specific, sometimes highly technical, commitments, reflective of activity that was clearly underway prior to the drafting of the document, alongside a number of assertive policy commitments that lack detail. The government takes the view that as an early adopter (one of the eight founding countries) it was important to engender interest and enthusiasm by getting the initiative up and running and to make refinements as matters progressed.

The government cannot be faulted for including in the national action plan some of the most significant elements of its on–going transparency strategy and also drawing on the best features of internationally recognised successes such as its international development assistance.

However, the consequence has been to heavily skew the nature of the action plan towards the domestic Open Data Agenda, as delivered by government departments and enshrined in the "Open Data White Paper" of 2012.

Since the OGP UK National Action Plan was published, there has been a change in government attitude on how best to deliver its commitments. The government had indicated that, "Our proposed approach is, fundamentally, about creating both 'pull' (a right to data) and 'push' (a presumption of publication)."

However the "pull" element, as articulated in the OGP UK National Action Plan commitments often involved obligations or sanctions, some of which would require a statutory or regulatory underpinning. This approach appears to run contrary to the government's inclination to reduce the regulatory burden.

As a consequence, the focus has shifted to stimulating a culture of disclosing information rather than creating obligations, and a light touch approach is preferred over heavy–handed insistence. As the "push"

predominated over the "pull," some commitments were not pursued or were adjusted accordingly.

In the course of this IRM review, stakeholders identified action plan commitments that, by general consensus, are significant and display demonstrable achievements. They also expressed concern about other significant commitments for which fulfilment was limited, or which had been withdrawn by the government.[9]

Among the most significant achievements, stakeholders identified:

- The release of data across central government co–ordinated by the Cabinet Office

- The success of digital platforms such as gov.uk and data.gov.uk

- The international lead on overseas development assistance transparency by DFID.

The areas that gave rise to concern included:

- The limited progress on longstanding commitments to routinely publish evidence and databases behind policy statements

- The withdrawal or limited fulfilment of aspects of the right to data commitments, for example, the removal of the higher cost cap for FOI for data held within IT systems procured after July 2012 and a lack of clarity about the right to datasets and conditions for re–use.

Of course, changes to a national action plan and its commitments should be expected. However, it would be wrong to characterise the UK National Action Plan as a "living document," which was consulted on and amended in the light of experience and discussion with stakeholders. In fact, what was most striking when conducting this independent review, was the lack of regard towards the first UK National Action Plan shown by both government officials and civil society stakeholders.

Few of those interviewed or engaged in the course of this review had direct input into the original action plan. Several professed to have barely considered its contents since its submission. Many civil society stakeholders dismissed it as being dominated by the government's internal open data agenda, often expressed in technical detail, which did not resonate with their priorities or concerns.

This disaffection results partly from the perceived lack of consultation at the outset. As the blog, "UK Civil Society Perspectives on the National Action Plan," observes:

> There has been no dedicated and comprehensive consultation with civil society on the UK's OGP commitments. We do not consider the current efforts to constitute an adequate 'Open Government Partnership' consultation framework. Over 2012 the UK Government will need to take steps in collaboration with Civil Society to develop an updated NAP that takes account of a broader range of concerns.[10]

GENERAL OBSERVATIONS AND RECOMMENDATIONS

In 2012, measures were taken in response to concern about the 2011 action plan's the heavy focus on data, although the focus of the collaboration with civil society was not primarily on adjusting the existing plan but rather on articulating objectives for a new national action plan.

In a significant improvement over the previous process, discussion has been conducted over a prolonged period and has engaged over 30 stakeholders in a structured forum (civil society groups meeting with Cabinet Office officials on a regular basis). This process is seen as an attempt at a co–production, that is, developing a draft together rather than asking stakeholders to review a draft prepared by government.

The new draft plan was published on 27 June 2013. Following a consultation period to 19 September, the final plan was to be published 31 October 2013.[11]

Indications are that new plan will extend its scope to address the grand challenges of "increasing corporate accountability," and "implementing the highest standards of professional integrity throughout our administrations," in addition to the existing commitments of "improving public services" and "more effectively managing public resources."

Most of those engaged in this dialogue speak positively of the approach taken by government officials. The government has expressed a commitment to open policy making.[12] The drafting of a new national action plan provided an opportunity to demonstrate how this could be done.

TOC

Instead of being engaged in the timeworn process of the government setting the limits of the agenda, issuing a draft proposal, and then seeking comments, participants said they were engaged in a process of co–production. One stakeholder said, "I approached it full of scepticism but was impressed by the genuine attitude of the Transparency Team staff."

However, the process may have given rise to heightened expectations as to the eventual outcome. At the time of this review, there was concern that several of the issues and proposed commitments raised by civil society organisations had been placed in an annex rather than in the main body of the draft national action plan. At issue is the extent to which civil society proposals will be adopted by the government for inclusion in the final national action plan.[13]

Of particular concern to some has been the perceived attitude towards FOI as a key component of the agenda. One stakeholder concluded that, "Commitments around Freedom of Information legislation are not included because government and civil society are pulling in different directions."[14]

Some formed the impression that a trade–off was taking place, with the requirement to publish more data being tempered by the prospect of government measures to inhibit the volume of responses to FOI requests. If so, such an approach fails to recognize, it was pointed out, that some of the information and data now being readily disclosed by government and other authorities, was initially put into the public domain by FOI requests, often in the face of agency resistance.

Officials interviewed recognised that the first action plan was heavily influenced by what government was already doing or planned to do, with a particular focus on open data. They valued the co–production approach and felt the government should recognise the added value policies gain when they are developed through an exchange of diverse ideas and contributions from experts and those who work on the ground.

However, officials had forthright views about how civil society groups should approach that engagement. In their view, civil society organisations should identify which policies need priority action and which ones could wait. "Pick the right battles worth fighting," advised one. Furthermore it was said, while civil society seeks immediate action, government needs time to properly consider wider implications.[15]

While the 2012–13 process of developing the OGP action plan may have improved, and feedback from those involved has been positive, it is not without familiar failings. It engaged a limited number of civil society organisations, most of them based in London. (There was little evidence that the devolved administrations in Scotland, Wales, and Northern Ireland were engaged in the process of agreeing on a UK OGP plan notwithstanding that some of the objectives fall within the scope of their responsibility. Given that OGP action plans should include all relevant actors, both targets and beneficiaries, this lack of engagement should be addressed.)

Concerns have been expressed that government departments (and their own stakeholder groups) outside of the Cabinet Office, which would be affected by the proposals, have not yet been sufficiently engaged in the co–production process. As a result, their expectations regarding the content of the final plan may not be realised because of late alterations driven by other interest groups within government, such as the proposed National Data Strategy to be taken forward through the Information Economy Strategy.[16]

The challenges in creating and carrying into effect a national action plan are evident. Government needs to take the time to engage in authentic open policy–making, while satisfying demands to carry initiatives into effect. Building on existing activity may secure delivery, but action plan commitments are expected to stretch previous norms, and as a consequence, are perhaps less certain in outcome. Authentic implementation requires evidence of widespread real–time impact of the action plan agenda, going beyond pockets of good examples and a narrow range of committed stakeholders. The UK experience reflects these pressures. In this early phase, it has risen to the challenge in some areas while falling short in others.

TOC

1 United Kingdom, Protection of Freedoms Act, 2012. http://bit.ly/1f7knCW
2 Ibid.
3 It analysed the data on themes relating to ethnicity, types of employment, working hours, inequality and geography, and identified some interesting patterns and questions worthy of further consideration. UK Parliament Justice Committee. "First Report: Post–Legislative Scrutiny of the Freedom of Information Act 2000," 3 July 2012. http://bit.ly/Ooq1BE
4 Ministry of Justice, "Government Response to the Justice Committee's Report: Post–Legislative Scrutiny of the Freedom of Information Act 2000," November 2012, http://bit.ly/156lPhQ
5 Civil Service Reform Plan: http://bit.ly/RAwTRS
6 House of Commons Public Administration Select Committee, "Public Engagement in Policy–making," Second Report of Session 2013–14: http://bit.ly/19B2SrL
7 Shakespeare, "Shakespeare Review," May 2013.
8 UK Government. Industrial Strategy: government and industry in partnership. June 2012. http://bit.ly/ZOiZhP
9 Taken from all meetings and interviews as well as from the Open Government Partnership UK; "UK Civil Society Perspectives on the National Action Plan," http://bit.ly/J2t3Yt
10 Ibid.
11 United Kingdom, Consultation on the OGP National Action Plan 2013 Draft, http://bit.ly/18hSiaA
12 Civil Service Reform Plan: http://bit.ly/RAwTRS
13 OGP civil society network focus group; Consultation on the OGP National Action Plan 2013 Draft, http://bit.ly/18hSiaA
14 Graham Gordon. "Civil Society Participation in Drafting the UK National Action Plan – Has it Been Worth It?" blog. 24 April 2014. http://bit.ly/13urVsn
15 Official 1, Transparency Team, Cabinet Office, interview, 9 May 2913; Peter Lawrence, Deputy Director, Cabinet Office, interview, 15 May 2013; See also Ilaria Miller, "Government and civil society joint working on the UK Action Plan: definitely worth it!" blog, Open Government Partnership, 1 May 2013, http://bit.ly/18qgDGr
16 Official 1, Transparency Team, Cabinet Office, interview, 9 May 2013; Simon Burall, INVOLVE, interview, 16 April 2013. See also: Simon Burall, INVOLVE, "Critical Components for Engaging Civil Society in the National Action Plan," blog, Open Government Partnership, http://blog.opengovpartnership.org/2013/05/critical–components–for–engaging–civil–society–in–the–national–action–plan/; Gordon, "Has it Been Worth It?"

TOC

TOC

ANNEX: METHODOLOGY

The OGP Articles of Governance state:

> As a complement to the participating government's self–assessment, an independent assessment report is to be written by well–respected governance researchers, preferably from each OGP participating country. These experts are to use a common OGP independent report questionnaire and guidelines, based on a combination of interviews with local OGP stakeholders as well as desk–based analysis. This report is to be shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is done through a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self–assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each country researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research. (This process is detailed later in this section.) In national contexts where anonymity of informants— governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

SELECTION OF NONGOVERNMENTAL INFORMANTS

An existing OGP civil society network was selected on the basis that it was already engaged with officials in the preparation for the next action plan, thus had demonstrable engagement with the OGP process. It also encompassed a reasonable range of interests including overseas development, open data, democratic participation, transparency, and anticorruption interests.

Individuals were also selected for interviews on the basis of particular knowledge and engagement in elements of the UK National Action Plan, including representatives of the UK Information Commissioner's Office, the Campaign for Freedom of Information, and civil society individuals who had volunteered particularly useful insights and online contributions.

ATTENDEES: 16 MAY 2013 FOCUS GROUP

Simon Burall, INVOLVE; Tim Hughes, INVOLVE; Tim Davies, Practical Participation; Alex Farrow, British Youth Council; Michelle Brook and Rachel Davies, Transparency International, United Kingdom; Melissa Lawson, Tearfund; Beck Wallace, Catholic Aid Agency for England and Wales; Chris Taggart, Open Corporates.

SYNOPSIS OF MEETING

The focus group comprised members of the OGP civil society network who have met regularly with each other and also with key officials from the UK Cabinet Office Transparency Team. The group is currently focussed on the development of the new draft OGP UK National Action Plan.

Members spoke positively of the open policy–making approach adopted by the government officials with whom they had worked closely. They were also pleased that the scope of the new plan extends beyond open data to encompass the grand challenges of "increasing corporate accountability" and "implementing the highest standards of professional integrity throughout our administrations." The draft includes specific commitments for which they have pressed, for example, on natural resource transparency, aid transparency, extractive industries, and more focus on assisting potential stakeholders to engage with

TOC

new data released. However, they were concerned by the lack of government feedback on many of the proposals they had advanced and the decision taken by government to place many of these proposals in an annex to the draft plan. They were critical of the delay in making the draft plan available for public consultation and concerned that either it will fail to be finalised by the expected deadline or that the process of finalisation will not engage them as "co–producers."

Regarding the previous action plan process and content, they were generally dismissive of the process and criticised the narrow nature of the content. Most held that the plan was created ad hoc from existing government commitments, along with some aspirational objectives, some of which appeared not to be shared or timetabled by the relevant departments in government. With some exceptions (overseas aid), the focus appeared to be almost entirely on aspects of open data, often highly technical, with which they felt little engagement. (Some members did have knowledge and engagement in this area and their views at the meeting and subsequently have been useful to this assessment.)

ATTENDEES: 16 – 17 MAY 2013

- Steve Wood, Head of Policy Delivery, Information Commissioner's Office
- Maurice Frankel, Director, Campaign for Freedom of information
- Katherine Gunderson, Campaign for Freedom of information
- Tim Davies, Practical Participation
- Alan Hudson, ONE Campaign
- Andrew Clarke, Publish What You Fund

SYNOPSIS OF DISCUSSIONS

These individual discussions (in person or by telephone) were intended to gather more detail on aspects of the UK action plan on which interviewees may have a particular insight. For example, an

extensive discussion was held with the head of policy delivery in the Information Commissioner's Office on elements of the right-to-data commitments, particularly regarding potential changes to statutes, codes of practice, or functions of the Information Commissioner. Discussion also included the role of the commissioner in relationship to the transparency boards and safeguarding privacy.

Similarly , Campaign for Freedom of Information representatives gave their views on the right-to-data elements, as well as providing a view on the consultative process.

Discussions with the others provided details on problems of utilising data that had been produced and views on the aid and development commitments.

ABOUT THE INDEPENDENT REPORTING MECHANISM

The OGP IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Yamini Ayar
- Debbie Budlender
- Jonathan Fox
- Rosemary McGee
- Gerardo Munck

A small IRM staff based in Washington, DC shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

TOC

Open
Government
Partnership

INDEPENDENT
REPORTING MECHANISM