Open government, open data: where is the records manager?

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I am delighted to be speaking at this first Annual Conference of ICA, on the theme of accountability, transparency and access to information. In this short paper I will consider the current role of the records manager in public authorities in delivering responsive access to information but also consider new roles for our profession in the more open environment of proactive release of data. I will use the UK as an example and draw on research undertaken at UCL to raise some more general issues. Since 2005, all UK public authorities have been subject to the Freedom of Information Act 2000 (FOIA), allowing for responsive release of information to requestors. Discussions about whether FOIA allows sufficient space for policy making (so called 'safe spaces') and the supposed 'chilling effect' of the legislation resulting in fewer or less detailed records being created, directly affect the role of the records manager. In January 2013, following the Dacre Review, a 10-year timetable to reduce the closure period for UK public records from 30 years to 20 years began and should result in more records coming into the public domain earlier, shortening the FOIA window for records of central government ministries. At the same time, non statutory moves by government to release data proactively, so-called 'open government data', has led to claims that this too will improve transparency of government and 'build greater trust in public data'. Are public authorities releasing re-usable, trusted, and accurate data? Are professionals working together to deliver credible and reliable records and data to citizens? In conclusion, I will ask what records managers need to do differently in order to play their part in an open data environment.

Research by UCL's Constitution Unit suggests that there is evidence that FOIA has increased transparency in British national government with a greater openness of culture and decision making taken 'in public'. In local government, the study suggested that 'different bodies have very different attitudes', but overall, the amount of information released had increased. Whether FOIA had produced better decision-making processes in public authorities or better understanding by the public of decision-making is debatable, and in general, requesters are not interested in internal processes, but rather in the outcome on a specific issue such as local education or library services. It seems that FOIA 'has not had a dramatic effect on local participation, though it has enabled those already involved' to find out more. FOIA has had a varied impact on trust & confidence in government and other public authorities: some respondents in the Constitution Unit's research thought that public trust had decreased, for example after negative media reports of officials' expenses scandals, wasted funds and excessive senior salaries. Other respondents thought that trust would always be low; while a few others believed that over the long term, trust would increase as authorities were shown to be responsive and consultative. Press coverage frequently focuses on controversy, secrecy and mistakes, government officials see the press reporting as often distorted, while journalists think information is being withheld, manipulated or 'spun'. There has been debate over the chilling effect of FOIA encouraging officers to make decisions without an official record, by oral agreements. Does FOIA leave behind 'empty archives'? Contemporary historians, rather than relying on official records, often prefer to interview participants to find out what was really done or said and why. The Constitution Unit's research suggested that there was little evidence of the chill on 'frank advice and deliberation' or on the quality of government records. Government may create poorer official records, but is this linked to FOIA or to a general change in structures of policy making, for instance the use of private email accounts by Ministers for official business? In reality,

public officials were 'more fearful of the consequences of not having a record rather than of a record being released'.

In DIS we did some research into the impact of FOIA on records management in local government. Some of our findings related to records management staffing, policies and systems, which were very uneven with little or no standardisation of practice, although FOIA Code of Practice did encourage authorities to make improvements. Good control over paper files was often not replicated in digital environments and collaboration with IT departments varied. Quality of FOIA responses (the completeness and reliability of the response) was hindered by a lack of Records Management resources or good practice. [One respondent said: "My guess is that the quality of what we are providing – we might answer a request – but the quality of what we are providing on the whole is not good because of RM. If we had better RM the quality would be better because you will be sure the documents you are providing will be the latest one."]

We also looked at the changing nature of the record under FOIA. Some respondents said there were no changes to record creating practices; others that staff were generally more careful and 'more concise' about what they wrote; or that senior management was 'not writing things down' for fear of disclosure. [For example: "We've got senior managers who just don't write anything down any more. Without any doubt they have learnt that if they put something in an email that will come back to haunt them so it's a lot more face-to-face, things jotted down in their own jotter which you never know if it's held or not. There is definitely this recognition that if you put … anything else on the system you ostensibly lose ownership of that." [Interview 11] Data Protection and FOI officer, London Borough]

The Constitution Unit identified what they called 'FOIA Paradoxes': 1. FOIA only works if almost noone uses it (in the UK, less than one requester in one thousand: but if the number doubled to 2 people in a 1000, the bureaucratic system would collapse.). 2. Officials and requestors support the principle but deplore the practice which is bureaucratic and legalistic. 3. FOIA is not much used by 'ordinary citizens' (Requestors are a tiny minority, mostly activists, professionals and not the 'man in the street'). 4. Bureaucracy rather than secrecy inhibits government response (most failures to disclose are because of processes, failing to find the right information, having to check for exemptions.) 5. If more was published proactively or opened earlier, we might not need FOIA, but requestors often want specific information which might not be routinely opened.

There have been some amendments to FOIA by the Protection of Freedoms Act 2012, especially about datasets. The big issue now is enhancing public service delivery and government performance through proactive release of open government data. Open data is "accessible … in a digital machine readable format for interoperation with other data and free of restriction on use or redistribution in its licensing conditions". Some see open data as "a non-privacy-restricted and non-confidential data which is produced with public money and is made available without any restrictions on its usage or distribution". Data should be open, 'based on an assumption that information should be in the public domain unless there is a good reason not to - not the other way around'.

As Halonen states, "the open-data movement did not originate in a vacuum". It has its roots in access to information and is related both to the accountability and transparency culture of FOIA and to the Public Sector Information (PSI) Directive which focuses on "providing information that can be easily reused" for economic growth. Politicians argue that open data "would benefit the UK

economy by creating jobs and stimulating innovation and at the same time increase transparency and accountability (…), empower the citizens' public participation" and improve public services. The return on investment for open data remains unclear, since "open data has no value in itself; it only becomes valuable when used".

A Public Sector Transparency Board was established and has published a set of principles for open government data. In 2010 the UK government launched, data.gov.uk , "a web portal that provides a single access point to thousands of data sets held by public bodies, freely available for use" which has about 10,000 datasets. Following the Open Data White Paper in 2012, all government departments have to put their Open Data Strategy online. However, some major issues have been raised. One of the most common open data myths is that open data is a "matter of simply publishing public data". In fact, data release necessitates additional work to provide reusable data not raw data and to avoid data redundancy and inconsistency, problems with sharing, data integrity and quality and lack of interoperability. Interconnectedness through linked data raises privacy concerns. Integrating data from different datasets may compromise anonymity. The ICO issued a Code of Practice on Anonymisation in 2012 and the European Commission published new proposals about the protection of personal data. Researchers at UCL and at Southampton University are currently working on linking datasets to improve their value for public policy.

Use and reuse concern data producers who may be reluctant to release data, especially in scientific research where there is a fear that original ideas and research will be stolen or misunderstood with consequent danger to personal reputation or public health. Some researchers think that open data can be misleading or open to political manipulation if it cannot be traced to reliable record sources (paper and digital). Access to open data is not equal as it requires "digital infrastructure (…), hardware or software, financial or educational resources and skills for the effective use of data or any other digital resource". Opening up government data ought to mean enabling citizens, not just privileged expert researchers, to make use of the data. The records manager can play a major part when it comes to dealing with open data by ensuring that data released are accessible, useful, authentic and contextualised "through the use of good metadata and interoperable systems".

In DIS we will do some research as part of the ADRC-E (Administrative Data Research Centre-England) project over the next 4 years which will consider relationships between information and records management, open government data and government administrative data, which is generally restricted. We will study issues including citizen and researcher access to government data; conflicts between open data and anonymity of sensitive personal data; ownership and provenance of data created by multiple parties including commercial ones; linked data; and the role of the records and information manager. Do we just hand over to data scientists, or is open data an opportunity for records managers to create new partnerships and develop new roles?