ADVANCING THE OBJECTS OF THE GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (NSW):

AN INTERNATIONAL COMPARATIVE EVALUATION OF MEASURES USED TO PROMOTE GOVERNMENT INFORMATION RELEASE

COMMERCIAL IN CONFIDENCE

This Project Report has been prepared by the University of Technology, Sydney ("UTS") on terms agreed between the University and the IPC.

FOR THE ATTENTION OF:

The Information and Privacy Commission (NSW)

Level 11, 1 Castlereagh Street, Sydney 2000

UTS REPORT

Title

Advancing the Objects of the Government Information (Public Access) Act 2009 (NSW): An international comparative evaluation of measures used to promote government information release

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PREFACE

The following independent report was commissioned by the Information Privacy Commission NSW in 2015. The report is based upon desk top research including literature review and analysis, documentary analysis and has been enhanced through contributions from the IPC and the IPAC. The specific aims of this report were developed in collaboration with the Information and Privacy Commission. The overall aim being to *undertake a comparative analysis of how open government may be achieved through identifying mechanisms which promote information release in open government*. Subsidiary aims were to:

- Describe what 'open government' means; how open government should look and how it can be delivered through tangible mechanisms (with focus upon any 'switches' which encourage the release of information);

- Identify jurisdictions leading open government and discuss current measures to evaluate open government (such as Open Government Ranking measures); and

- Suggest future research (eg. is there a research gap in effective measurement and evaluation of the delivery of open government).

The report was undertaken within a four month timeframe from March 2015 to June 2015. This report is aimed at being practical in nature. It is not intended to provide a detailed examination of legislative or policy framework(s). The task of the report was to consider the challenges and opportunities which arise for proactive information release by government and to provide a helpful reference for stakeholders in the context of explaining mechanisms which may usefully and effectively be applied to promote information sharing.

In terms of scope and breadth the comparative research commenced with the base line of the international rankings for Open Government Countries with a particular focus on the more mature United Kingdom approach. Here specific regard was had (but not be limited or directed by) to the identification of tangible mechanisms to achieve 'best practice' in open government. The report then, as appropriate, selected other jurisdictions for investigation. Extension of the jurisdictions covered was aimed at quality of the identification of strategic responses and not quantity.

The report is divided into:

- An executive summary;
- a discussion document;
- appendices; and
- a reference list.

For ease of access the Executive Summary contains the findings of the report. The Executive Summary is then followed by a more detailed study in the Main Report.

As the author of this report I worked entirely independently and reached my own conclusions.

Professor Anita Stuhmcke
Faculty of Law
University of Technology Sydney   23 June 2015

EXECUTIVE SUMMARY

The purpose of this report is to provide insight into the types of practical mechanisms utilised in selected international jurisdictions to promote open government through information sharing.   The NSW *Government Information (Public Access) Act 2009* (GIPA Act) states the following 'Object of Act' in section 3:

> (1) In order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, the object of this Act is to open government information to the public by:
> (a) authorising and encouraging the proactive public release of government information by agencies, and
> (b) giving members of the public an enforceable right to access government information, and
> (c) providing that access to government information is restricted only when there is an overriding public interest against disclosure.

This project focuses upon s3(1)(a), the first avenue outlined in the objects of the GIPA Act, how to encourage the proactive public release of government information by agencies. This report is aimed at being of practical use for agencies and interested stakeholders and a helpful reference point in that context. Importantly, the report does not proffer systemic reform options nor does it suggest the creation of new directions in strategic policy, law reform or administrative initiatives.

This report examines 'best practice' switches or mechanisms to promote information release in open government. This is intended as a scoping of practical options. It identifies governments leading international open government rankings. It then isolates strategic mechanisms used to achieve proactive information release. The report presents switches to promote information release and information sharing between:

> (a) government agencies (see Section 5); and
> (b) government and the public (see Section 6).

In Section 5 the report notes barriers to information sharing across government agencies. It identifies three switches which facilitate inter-agency information sharing. These are identified from the 'best practice' models of comparative world leading open government jurisdictions.

In Section 6 the report identifies eight practical mechanisms used by these world leading open government jurisdictions to promote information release by government to the public.

Generally the mechanisms suggested in Sections 5 & 6 have not been subject to evaluation. Future research designed around how to improve and assure effective evaluation is highly recommended as an area of need for future research.

This executive summary describes the key findings of each section of the Main Report. The methodology used in this report is a literature survey. Appendix 1 details the methodology used and identifies the   strengths and weaknesses of this approach.

SECTION 3: The Concept of Open Government: History and challenges

This report bases its findings upon the three characteristics of open government as defined by the Organisation for Economic Co-operation and Development (OECD): transparency, accessibility, and

responsiveness. Proactive release of government information is a critical plank in building these characteristics.

In Australian jurisdictions there are cultural and organisational barriers to information release. These barriers have become increasingly evident due to the rapidly changing context within which the promotion of government information sharing occurs. Technology has heightened expectations as to efficient release and effective use of government data. However as technology continues to drive change to governance models the government response can be characterised as slow and uncoordinated. In Australia macro and micro policy reform has not grappled with information sharing between agencies nor adequately addressed existing barriers to information release from government agencies to the public. This approach seems set to continue.

SECTION 4: Leading International Jurisdictions: How open government should look

The open government movement is global. Public data is big business and promises a new model of democratic interaction between citizen and government. In 2011 the international Open Government Partnership (OGP) was launched as an initiative by 8 founding governments. Today this includes 65 countries. This report identifies the governments which lead the international open government rankings. The United Kingdom is typically identified as the world leader in this area. The report then uses these comparative jurisdictions to identify:

(a) three switches to encourage inter-agency information sharing (see Section 5); and
(b) eight practical mechanisms to encourage proactive government information release to the public (see Section 6).

SECTION 5: Encouraging information release in open government: Strategic tangible mechanisms to promote information sharing by government agencies

In Australia the closed government culture is a barrier to open data policy. This section identifies three switches to overcome the behavioural/oganisational issues which prevent information sharing:

Switch 1	Legislative/structural features that build success: promoting a model of proactive agency information sharing	Best practice UK regulatory model that facilitates exchange of data between agencies (Data Protection Principles and Data Sharing Code of Practice)
Switch 2	Promoting proactive release of government data across organisational walls: Recognise and reward the individual	Promote agency Open Data Champions; individual data release prizes and challenges; and identify agency data 'boundary spanners'
Switch 3	Build inter-agency trust: the use of soft regulation	Adopt UK 'Personal Information Promise'; investigate multi-agency models; develop feedback loops on information sharing

SECTION 6: Encouraging information release in open government: Strategic tangible mechanisms to promote information release by government to the public

This project approaches the sharing of government information between agencies and release of government information to the public as initiatives which involve more than putting government data on the Internet. The eight mechanisms identified in Section 6 are:

Mechanisms to promote transparency:

1: Democratize information sharing through using Games Contests, App development and Hackathons (Civic Hacking) to crowd source ideas and promote government information release

2: Measure government performance and encourage citizen rankings

Mechanisms to promote accessibility:

3: Select policy area as the moderator for transparency and usage by combining a bottom-up and top-down approach to select specific data sets for release

4: Use non-government platforms to promote government information

5: Promote republishing and re-using government data

Mechanisms to promote responsiveness:

6: Integrate citizens, consumers and non-government organisations into policy making

7: Ensure sustainable change through the integration of "ecosystems" of key actors

8: Encourage production of government information through individual citizen contributions

SECTION 7: Evaluation of open government

The report concludes that evaluation of measures used to promote successful open release of government information is limited. Indeed even the global open government ranking systems have been described as a 'patchwork of ratings' and lack a uniform and comprehensive overview of open government performance.   Most notably there is an absence of focus upon inter-agency information sharing. There is a clear need for future research in this area. The implementation of the mechanisms in this report will provide opportunity for much needed evaluation and reflection as to how to achieve best practice in information release for open government both between agencies and to the public.

SECTION 8: Conclusion

Glossary of terms

Cherry picking or forum shopping is often a point of methodological concern as it is the act of pointing to individual cases while ignoring related cases or data which may contradict that position.

Ran Hirshi, *Comparative Matters: The Renaissance of Comparative Constitututional Law*, (2014) Oxford University Press, 279

Cloud/cloud computing: The Internet and the delivery of hosted services (infrastructure, platform, and software) over the Internet.

http://www.cmd.act.gov.au/open_government/report/connected_community,_connected_government#fn-201-103

Crowdsourcing: An online, distributed problem solving and production model in which an online community is called upon to solve a particular problem.

http://www.cmd.act.gov.au/open_government/report/connected_community,_connected_government#fn-201-103

Creative Commons licences provide a simple standardised way for individual creators, companies and institutions to share their work with other on flexible terms without infringing copyright. The licences allow users to reuse, remix and share the content legally.

http://creativecommons.org.au/learn/licences/

Data: is information in a raw or pre-interpreted form, typically comprised of numbers or words. Data does not contain an explicit narrative and is primarily intended for consumption by software, not to be read by humans. A dataset is a collection of related data units. Electronically stored information or recordings. Examples include documents, databases of contracts, transcripts of hearings, and audio/visual recordings of events.

http://www.dpc.wa.gov.au/Consultation/Pages/WAWholeofGovernmentOpenDataPolicy-Draft.aspx

Data re-use, also called 'secondary data use' or 'secondary data analysis', occurs when data that was previously collected, often for another purpose, is analysed in a new or different way (1,2). Original (i.e., 'primary') data collectors or generators can be researchers, government, or commercial or public institutions.

http://ands.org.au/discovery/reuse.html

Dis-intermediate means the stripping out or slimming down or simplification of intermediaries in the process of delivering public services.

Patrick Dunleavy, (2010) *The future of joined-up public services* 2020 Public Services Trust
http://eprints.lse.ac.uk/28373/1/The_Future_of_Joined_Up_Public_Services.pdf, 7

e-government: [t]he use of technology, particularly the Internet, as a means to delivery government services and to facilitate the interaction of the public with government entities'

American Library Association, http://www.ala.org/advocacy/advleg/federallegislation/govinfo/egovernment/egovtoolkit

Free (or public) data: licensed data which allows a user to access and use the data freely - data that is not subject to valid privacy, security or privilege limitations.

Information: a structured, interpretable incarnation of data, "information, including all information products in any format, and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for public entities (governments or

public institutions) in all branches and at all levels be presumed to be in the public domain, unless another policy option (e.g. a legal right such as an IP right or personal privacy) is adopted and clearly documented, preventing it from being freely accessible to all."
Maureen Henninger, 'The Value and Challenges of Public Sector Information' (2013) 5(3) *Cosmopolitan Civil Societies Journal* 75-95, 78

Government Information: means information contained in a record held by an agency
(GIPPA 2009, s 4)

Government 2.0: [t]he application of Web 2.0 collaborative tools and practices to the processes of government
(Government 2.0 Taskforce, 2009: p.2).

License: refers to the legal conditions under which the work is made available. Where no license has been offered this should be interpreted as referring to default legal conditions governing use of the work (for example, copyright or public domain).
http://opendefinition.org/od/

Open: Knowledge is open if anyone is free to access, use, modify, and share it — subject, at most, to measures that preserve provenance and openness.
http://opendefinition.org/od/

Open data: In the Australian context data that is freely-available, easily-discoverable, accessible and published in ways and under licences that allow reuse. Open data may be available in other forms that do not meet those standards. For example, data published in a PDF file with all rights reserved is less open than data in a spread sheet file published under a Creative Commons BY licence. See below data.gov.au for more advice about open data. Although Open Data has many definitions one of the clearest is in the The Open Data Handbook : "Open data is data that can be freely used, reused and redistributed by anyone - subject only, at most, to the requirement to attribute and sharealike".
Available at: http://opendatahandbook.org/en/what-is-open-data/.

Open Government Data: data published by public agencies or governments

Public sector information: (see also open government data) data, information or content that is generated, collected, or funded by or for the government or public institutions
http://www.oiac.gov.au/

MAIN REPORT

1. Terms of Reference

1.1 This report summarises the findings of a research project commissioned by the Information Privacy Commission NSW (IPC) on 11 February 2015.   The agreed terms of reference for this report are to:

Undertake a comparative analysis of how open government may be achieved through identifying mechanisms which promote information release in open government. Subsidiary research aims were to:

- Describe what 'open government' means; how open government should look and how it can be delivered through tangible mechanisms (with focus upon any 'switches' which encourage the release of information);
- Identify jurisdictions leading open government and discuss current measures to evaluate open government (such as Open Government Ranking measures); and
- Suggest future research (eg. is there a research gap in effective measurement and evaluation of the delivery of open government).

This report is aimed at being of practical application. It is not intended to provide a detailed examination of policy nor legislative framework(s). The task is to consider the challenges and opportunities which arise through information release by government and provide a helpful reference for stakeholders in the context of explaining mechanisms which may usefully and effectively be applied in the promotion of information sharing. The report is written entirely independently of the IPC. The report was finalised by the end of June 2015.

2. Introduction

2.1 In recent years the promise of 'open government' is increasingly becoming a commitment for governments around the world. There is considerable external scrutiny of this commitment. Where appropriate, this report takes into account insights established by this former work.

2.2 As this report makes clear the landscape of open government is one of rapid change (see Section 3 & Appendix 2). While the open government agenda is global, the pace of technological, political and social change differs across local, sub-national and national governance frameworks. Consequently, identifying mechanisms that will be equally relevant across the whole of government to promote government information sharing is a difficult task. Most government agencies and other relevant stakeholders will be heavily influenced by idiosyncratic pressures which will feature significantly in the way they operate. Nonetheless the mix of information sharing mechanisms in this report (see Section 5 and 6) drawn from leading open government jurisdictions will be applicable to NSW government agencies in different ways and to different extents.

2.3 Following the Terms of Reference (Section 1) and this Introduction (Section 2), the report is in four main sections:

* **Section 3** introduces the context of open government, its three characteristics of being transparent, accessible, and responsive and then identifies challenges faced by the open government agenda;

* **Section 4** identifies leading open government jurisdictions, describes what open government means and how it should look;

* **Section 5** discusses three switches which promote positive information sharing between agencies, drawn from the open government jurisdictions which lead global rankings;

* **Section 6** discusses eight tangible mechanisms which promote positive information sharing between government and the public, drawn from the open government jurisdictions which lead global rankings;

* **Section 7** examines evaluation of open government and suggests future research; and

* **Section 8** concludes.

2.4 Figures 1 and 2 below summarise the key switches/mechanisms identified in Sections 5 & 6 of the report. Figure 1 summarises Section 5 and the three switches which promote positive information sharing between agencies.

Figure 1 - three switches which promote positive information sharing between agencies

Improved Information Sharing Between Agencies

Switch 1

Switch 1

Promote a model of agency information sharing

Switch 2

Switch 2

Recognise & reward the individual
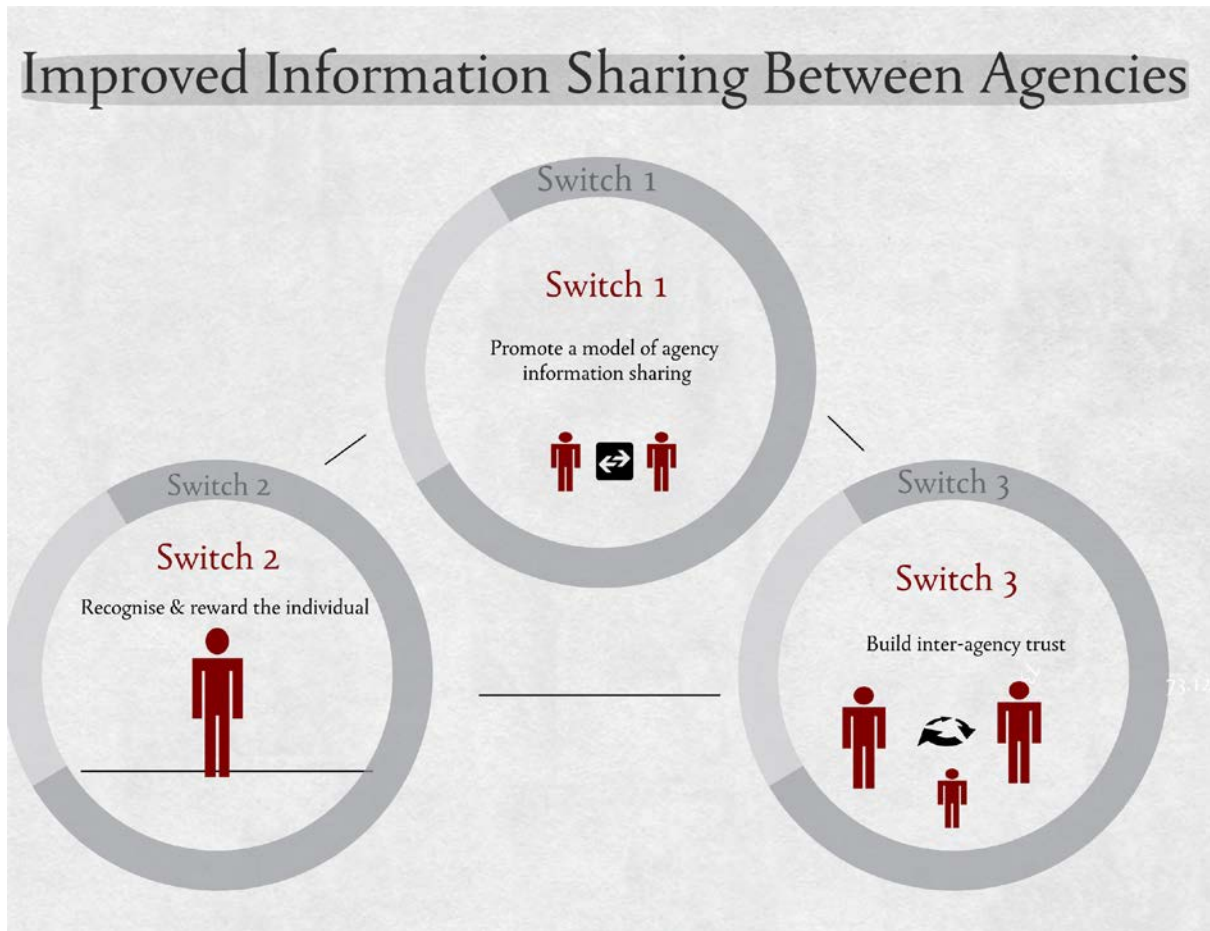
Switch 3

Switch 3

Build inter-agency trust

Figure 2 summarises Section 6 and eight tangible mechanisms which promote positive information sharing between government and the public. Briefly, given that the term 'open government' is not defined in statute[1], but is effectively a 'brand' name which encompasses a variety of practices, policy initiatives and meanings (see Section 3) the key characteristics of open government used in this report are identified as: *Transparency; Accessibility; Responsiveness*. Each mechanism in Figure 2 is allocated against a characteristic of open government.

Figure 2 - eight mechanisms which promote positive information sharing between government and the public

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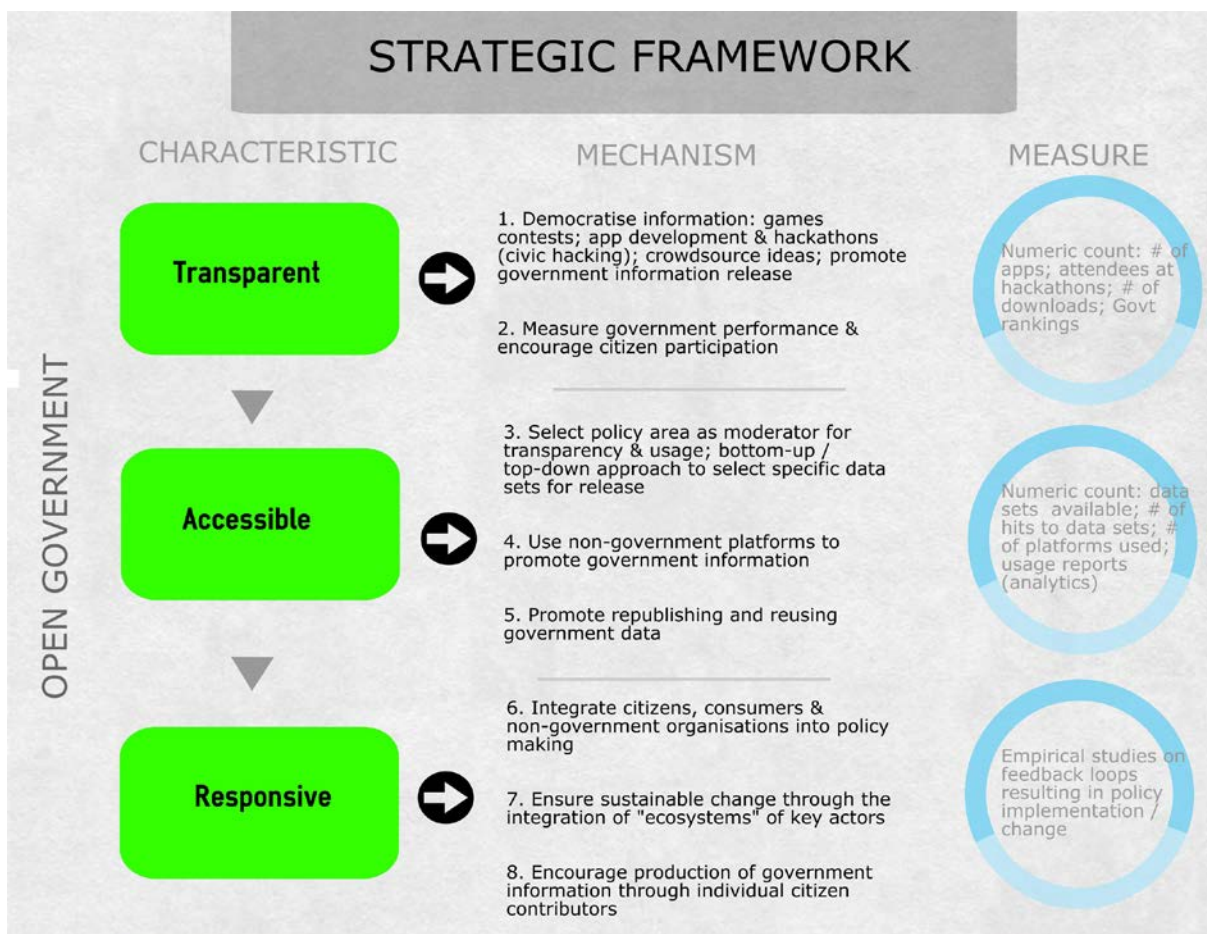
3. The Concept of Open Government: History and challenges

3.1 This section provides an overview of the development of open government, with the aim of charting where we are now and how we got here. It provides:

(a) a brief historical overview (see also Appendix 2);

(b) identifies two challenges which arise from the rapidly changing context within which the promotion of government information sharing occurs;[2] and

(3) briefly describes the promise of open government.

3.2 The concept of 'open government' has a **long history** and is today well established. The Organisation for Economic Co-operation and Development (OECD) identifies the three characteristics of open government as being transparent, accessible, and responsive, describing these as:[3]

> ● Transparency – that its actions, and the individuals responsible for those
> actions, will be exposed to public scrutiny and challenge;
> ● Accessibility – that its services and information on its activities will be
> readily accessible to citizens; and
> ● Responsiveness – that it will be responsive to new ideas, demands and needs.

Governments around the world institutionalise these characteristics through law and policy aimed at accountable government decision making such as by introducing right to information legislation and privacy laws. This is also the case in NSW (see Appendix 4). Open government is also operationalized through the independent government oversight agencies including Ombudsman, audit offices, information commissioners and anti-corruption bodies. The international literature is in broad agreement that these developments deliver a democratic government model.

3.3 While the democratic values of open government have remained constant for centuries,[4] the nature and understanding of how open government may be best achieved is today unfolding at exponential speed.   In Australia this change is reflected in two waves of open government reform. The first may be broadly characterised as a top-down approach which began in the 1970s. It resulted in the first federal and state integrity institutions and freedom of information laws. As this is the most developed field of open government regulation and it is only incidentally relevant to the mechanisms discussed in this report. The second wave of reform, and the central focus of this report, formally originates in 2009 (see Appendix 2) and is evolving as more of a bottom-up approach which encourages proactive information release by government and collaborative use of such information by citizens. The first wave of reform has been viewed as a vertical relation between

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[2] See the Chronology of Open data across Australia available at http://www.finance.gov.au/blog/

[3] Organisation for Economic Co-operation and Development, 'Modernising Government The Way Forward, 2005, 29.

[4] Joshua Tauberer, *Open Government Data: The Book*, Second Edition: 2014; Abdul Waheed Khan, Foreward to Mendel T, (2003) *Freedom of Information: A comparative legal survey*. New Delhi: UNESCO, 1; Clarke Amanda & Mary Francoli, 'What's in a Name?' (2014) 6(1) *Journal of eDemocracy* 248.

citizens and government where citizens are objects of government policy whereas the second wave is a horizontal relationship where citizens are partners or co producers of government policy.[5]

3.4 The description of open government as occurring in two waves of reform may give the misleading impression that this has occurred in a planned or orderly way. Instead steps taken towards open government have been both incremental and ad hoc. Indeed, there is a 'dearth of open government definitions'. [6] This absence of definition is apparent in Australia where despite appropriation of the term in significant reports such as the Australian Government 'Declaration of Open Government[7] and national inquiries such as those by the Australian Law Reform Commission[8] there is no agreed statement as to what open government means.

3.5 In the absence of agreed definition the **first key challenge** facing the open government agenda is a narrowing of how it should look. The Australian Federal government states that '[T]he possibilities for open government depend on the innovative use of new internet-based technologies'[9] and emphasizes new technology using names such as "citizensourcing", "eDemocracy", eParticipation, "eGovernment", "Collaborative Public Management", "Citizen Engagement", "Wiki government" or "government 2.0"'.[10]   However this report begins from the premise that open data is not synonymous with open government, acknowledging the argument in the literature that a narrow focus upon the release of data both between agencies and from government to citizens may represent significant long term risk for the open government 'brand'.[11]

Figure 3 nicely articulates the difference and commonalities of open, big and government data – all of which are acknowledged here as being relevant to improving the flow of government information

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[5] Meijer Albert, 'Government Transparency in Historical Perspective: From the Ancient Regime to Open Data in the Netherlands' (2015) 38(3) *International Journal of Public Administration* 189, 196.

[6] Bern W Wirtz & Stevem Birkmeyer, 'Open Government: Origin, Development and Conceptual Perspectives' 381, 382 (identifying only six authors that have attempted to define the term open government).

[7] Australian Government, Department of Finance, *Declaration of Open Government*, http://www.finance.gov.au/policy-guides-procurement/declaration-of-open-government/

[8] Australian Law Reform Commission, *Open Government – A review of the Federal Freedom of Information Act*, 31 December 1995, Report 77; Australian Law Reform Commission, *Secrecy Laws and Open Government in Australia*, December 2009, Report 112.

[9] Australian Government, Department of Finance, *Declaration of Open Government*, http://www.finance.gov.au/policy-guides-procurement/declaration-of-open-government/

[10] Fons Wijnhoven, Michel Ehrenhard and Johannes Kuhn, 'Open Government objectives and participation motivations' (2015) 32 *Government Information Quarterly* 30, 31.

[11] Frank Bannister, 'The Trouble with Transparency: A Critical Review of Openness in e-Government' (2011) 3(1) *Policy and Internet* 1-30; Lauriault Tracy P, 'Republic of Ireland's Open Data Strategy: Observations and Recommendations' *The Programmable City Working Paper 3* <http//www.nuim.ie/progcity/>; Alon Peled & Nahon Karine, 'Towards Open Data for Public Accountability: Examining the US and the UK Models' iConference 2015; Yu Harlan & David G Robinson, 'The New Ambiguity of "Open Government" (2012) 59 *UCLA L Rev Disc* 178, 182.

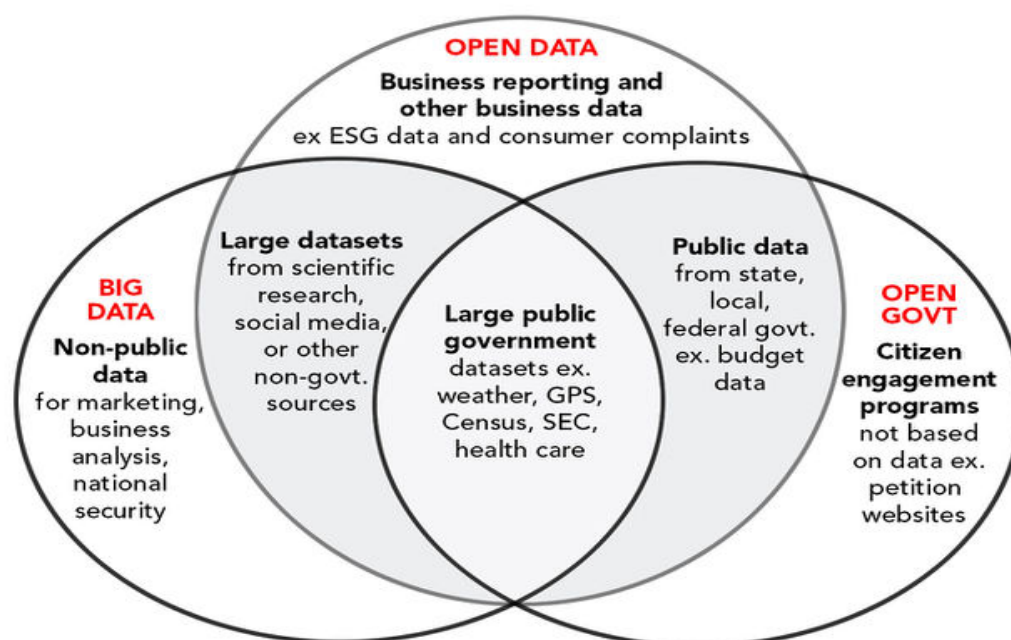(author Joel Gurin https://toolkit.data.gov.au/index.php?title=Definitions).

Figure 3 – Data and Open Government

3.7 The **second key challenge** is the legal landscape regulating release of information, being incoherent muddled and confusing to government and citizens alike (see Appendix 4). In terms of inter-agency information release this is a significant challenge for how open government should look. Practical barriers to inter-agency information release are also a barrier and are at times described as 'cultural impediments'[12] to open government. Switches that have been discuss in Australia to such cultural impediments include: agency leadership, officer innovation, community engagement and investment in information infrastructure.[13]   Additional barriers and solutions are discussed in Section 5 of this report.

3.8 The **promise of open government** is great. There is growing recognition that no one government agency has adequate information to address high risk and often complex issues alone. Sharing of information between departments should improve the integration of service delivery. Further, open government aims to bring democracy back to its roots in giving citizens a real say in how their communities and nations are governed. Thus an important benefit of open government is democratization of government. Open government is more than high level political commitment. It is argued that social and economic benefits will flow from the release of government data. For example, it has been estimated that 'vigorous open data policies could add around AUD 16 billion

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[12] John MacMillan <http://www.oaic.gov.au/news-and-events/speeches/information-policy-speeches/enabling-tomorrows-open-government>.
[13] John McMIillan, OAIC, *Report on Agency Implementation of the Principles on open public sector information* <http://www.oaic.gov.au/information-policy/information-policy-resources/information-policy-reports/open-public-sector-information-from-principles-to-practice>.

per annum to the Australian economy.'[14] The following section now identifies leading international jurisdictions as to how open government should look.

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[14] Omidyar Network, *Open for Business: How Open Data can help Achieve the G20 Growth target*, June 2014, <https://www.omidyar.com/.>.

4. Leading International Jurisdictions: How open government should look

4.1. How open government should look on the ground is a difficult question. Open government rankings provide one mechanism to identify best practice in open government. This section identifies the comparative jurisdictions leading the open government rankings.   This has two objectives. Firstly, to make explicit choices made in the methodology of this report so as to minimise, or at least contextualise, the 'cherry-picking' of specific strategic mechanisms in Sections 5 and 6.   This methodology is further explained in Appendix 1. Secondly, this section provides basis for the subsequent discussion on evaluation (Section 7) and recommendations for future research.

4.2 The open government movement is global. For example in September 2011 the international Open Government Partnership (OGP) was launched as an initiative by 8 founding governments. Today this includes 65 countries.[15] These countries are committed to:

* Increase the availability of information about governmental activities

* Support civic participation

* Implement the highest standards of professional integrity

* Increase access to new technologies for openness and accountability

4.3 International rankings have been issued to determine open government success. These rankings are uncoordinated and disparate (see Section 7).   In terms of data release the United Kingdom ranks first. Sweden ranks first (and the United Kingdom ranked 8th out of 102 countries) on the broader World Justice Project Open Government index which measures (1) publicized laws and government data, (2) right to information, (3) civic participation, and (4) complaint mechanisms: [16]

(a) World Wide Web Foundation open data barometer (second edition January 2015)

The United Kingdom ranked first (also did so in 2013) and the United States ranked second.

"Aims to uncover the true prevalence and impact of open data initiatives around the world. It analyses global trends, and provides comparative data on countries and regions via an in-depth methodology combining contextual data, technical assessments and secondary indicators to explore multiple dimensions of open data readiness, implementation and impact.": http://barometer.opendataresearch.org/report/summary/

(b) Open Knowledge Foundation Open Data Index 2015

The United Kingdom first and Denmark second.

"The Global Open Data Index tracks whether this data is actually released in a way that is accessible to citizens, media and civil society and is unique in crowd-sourcing its survey of open data releases around the world. Each year the open data community and Open Knowledge produces an annual ranking of countries, peer reviewed by our network of local open data experts.": http://index.okfn.org/place/

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[15] Open Government Partnership <http://www.opengovpartnership.org/.>.
[16] World Justice Project *Open Government Index* 2015 Report
<http://worldjusticeproject.org/sites/default/files/ogi_2015.pdf>

There are related ranking systems not referred to in this report including: Waseda University World e-Government Ranking (topped by Singapore for 5 years 2009-2013); United Nations e-Government Survey; The World Economic Forum Global Information Technology Report etc.

4.3 Notably this report does not discuss institutional and civil society measures which encourage government information release . However the dominant polling position of the United Kingdom in relation to ease of accessing government information highlights that a major driver for encouraging government information release is government will . In contrast Australia has 'been portrayed as an open data laggard. The label resulted from the nation being ranked 10th in the Open Data Barometer report published by the World Wide Web Foundation.'[17]

4.4 The focus of this report is on triggers for proactive government information release. As such the mechanisms in the following section are sourced from the governments leading the top rankings of the open data indexes and measures such as the Open Government Awards for the OGP. The primary jurisdiction used in this report is the United Kingdom.

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[17] Steven Hulse, 'Opening up on 'Open Data', 17 March 2015, *Technology Spectator*, <http://www.businessspectator.com.au/article/2015/3/17/technology/opening-open-data>.

5. Encouraging information release in open government: Strategic tangible mechanisms to promote information sharing between Government agencies

5.1 This section identifies three switches to overcome the behavioural/oganisational issues which prevent inter-agency information sharing (see Figure 1). It draws three mechanisms as practical switches to promote sharing between government agencies from the jurisdictions identified as world open government leaders.

5.2 A 2011 study nominated Australia as a country where the closed government culture is an important barrier to open data policy, one of the respondents to the study stating that 'government practitioners are rewarded for secrecy, not openness'.[18] Existing studies on data sharing relationships between agencies suggest that although technical issues are important it is ultimately behavioural and organisational issues that 'determine the fundamental success or failure of inter-organizational data sharing.[19] A recent NSW study by Keeley et. al, agrees with this, observing that overcoming technological issues is 'less difficult' than the twin factors of organisational barriers and the need for political/policy change which influence information sharing.[20]

5.3 Switch 1 thus focuses upon political/policy change. It is the most critical and substantive change presented in this Section. This Section adopts the broad view of the UK Information Commissioner Office (ICO) which refers to agency information sharing as the disclosure of data which is:[21]

> "from one or more organisations to a third party organisation or organisations, or the sharing of data between different parts of an organisation. Data sharing can take the form of:
> - a reciprocal exchange of data;
> - one or more organisations providing data to a third party or parties;
> - several organisations pooling information and making it available to each other;
> - several organisations pooling information and making it available to a third party or parties;
> - exceptional, one-off disclosures of data in unexpected or emergency situations; or
> - different parts of the same organisation making data available to each other."

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[18] Tijs van den Broek, Bas Kotterink, Noor Huijboom, Wout Hofman and Stef van Grieken TNO (Netherlands Organisation for Applied Scientific Research) Open Data need a vision of Smart Government 2011

[19] Zorica Nedovic-Budic & Jeffrey K Pinto, 'Information sharing in an interorganizational GIS environment' (2000) 27 *Environment and Planning B: Planning and Design* 455.

[20] Matthew Keeley, Jane Bullen, Shona Bates, Ilan Katz & Ahram Choi, *Opportunities for information sharing: Case studies*, Report Prepared for NSW Department of Premier and Cabinet, (April 2015) Social Policy Research Centre UNSW, 17.

[21] Information Commissioner Office, *Data Sharing Code of Practice* <https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf>, 9. Note that the IOC uses the term 'data' – a narrower term than information.

Switch 1: Legislative/structural features that build success: promoting a model of proactive agency information sharing

5.4 Good privacy governance around the release of personal information is both essential to, and at times in tension with, the release of information between agencies.[22] The single commission model of the NSW Information Privacy Commission reflects the complementary nature of privacy of personal information and information sharing which facilitates the operation of these twin principles and their enforcement.

5.5 Removal of doubt as to when private information can be shared is critical. Existing research shows that staff in government agencies find the process of information sharing challenging due to factors which include: unfamiliarity with legislation; lack of resources to access legal advice or time to consult with colleagues from other organisations; or commercial sensitivities; or concern that information sharing will have negative repercussions for clients.[23]

5.6 A clear legal and policy framework to promote a model of agency sharing is critical. While the IPC has Data Protection Principles[24] these are a 'best practice' guide. This Switch suggests promoting a model of inter-agency information release by adopting the principles based UK regulatory framework.

5.7   **EXAMPLE**   In the UK the legal requirements for data sharing are legally enforceable by the ICO. Everyone responsible for using data has to follow strict rules called 'data protection principles'. The principles are enacted under the Data Protection Act (UK) (see Appendix 4). Broadly, a public body may only share data if it has the power to do so (under legislation or the common law). If the agency has the relevant legal power to share information the next step is to consider whether the proposal is compatible with the eight data principles.[25]

5.8 The principles are in essence a code of good practice for processing personal data. For example for bulk sharing of personal data with other public bodies or organisations it is strongly advisable to have in place a Data Sharing Agreement or Memorandum of Understanding to formally define the project, ensure that relevant considerations have been considered, and record the respective obligations of the parties absence of a written agreement underpinning such data sharing may be a

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[22] Matthew Keeley, Jane Bullen, Shona Bates, Ilan Katz & Ahram Choi, *Opportunities for information sharing: Case studies*, Report Prepared for NSW Department of Premier and Cabinet, (April 2015) Social Policy Research Centre UNSW, 23-26.

[23] Matthew Keeley, Jane Bullen, Shona Bates, Ilan Katz & Ahram Choi, *Opportunities for information sharing: Case studies*, Report Prepared for NSW Department of Premier and Cabinet, (April 2015) Social Policy Research Centre UNSW, 19.

[24] http://www.ipc.nsw.gov.au/data-protection-principles

[25] See Appendix 4 Schedule 1 and 2 – personal data under Schedule 1 cannot be processed unless one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

breach of the seventh data protection principle.[26] The United Kingdom Information Commissioner Office has developed a Data Sharing Code of Practice which is a statutory code. [27] While it does not impose additional legal obligations it can be used in evidence in any legal proceeding. One aim of the Code is to enable agencies to share data with confidence.

5.9 This switch is a regulatory tool which ensures collective agency responsibility for proactive information sharing.   It will provide a model of inter-agency information sharing and facilitate information exchange. However it is not a panacea. A recent report of the UK Law Commission notes, that despite the data sharing framework, 'the law applicable to information disclosure by public bodies is fragmented and complex'.[28] It is also noteworthy that the submission to the UK Law Commission by the ICO observes that an even '…more prominent place for data protection law would help simplify the legal landscape.'[29]

Switch 2: Promoting proactive release of government data across organisational walls: Recognise and reward the individual

5.10 The literature consistently identifies a barrier to proactive information release as a silo mentality which resists information sharing across government.   Suggested strategies to overcome this include faster diffusion and sustainability of opening data within public administration by the complement of a data culture along with direct technical and legal support to employees.[30]

5.11   **EXAMPLE** 🇬🇧 The United Kingdom is growing a data culture through recognising Open Data Champions. The Open Data Champions were selected for putting data back into the hands of citizens and communities to create opportunities for innovation, economic and social growth and better public services: [31]

> To promote a data culture the UK Government selected sixteen local and regional authorities as 'setting the standard in open data and transparency'. These authorities were recognised as 'Open Data Champions'. They took part in a roundtable event on 24 March 2015 which brought together leaders and CEOs from these authorities to explore the role of open data in the local authority of the future.

The aim of this initiative is to establish a group committed to releasing open data, and creating and sharing stories that show the benefits of open data.

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[26] https://www.justice.gov.uk/downloads/information-access-rights/data-sharing/annex-h-data-sharing.pdf
[27] Information Commissioner Office, *Data Sharing Code of Practice* <https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf> 6
[28] Law Commission, *Data Sharing between Public Bodies: A scoping Report* (Law Com No 351), 10 July 2014, 49.
[29] Law Commission, *Data Sharing between Public Bodies: A scoping Report* (Law Com No 351), 10 July 2014, 166-167.
[30] Ivan Bedini, Feroz Farazi, David Leoni, Juan Pane, Ivan Tankoyeu, Stefano Leucci, 'Open Government Data: Fostering Innovation' (2014) 6(1) *Journal of eDemocracy* 69-79, 78; Hartog, Martijn and Bert Mulder, Bart Spee, Ed Visser and Antoine Gribnau 'Open Data Within Governmental Organisations' (2014) 6(1) *Journal of eDemocracy* 49-61, 58
[31] Jamie Whyte, Trafford Recognised by Cabinet Office as Open Data Champions
http://www.infotrafford.org.uk/lab/blog/cabinet-office-open-data-champions

5.12 EXAMPLE 🇺🇸 United States research identified employees who have no need for technical or legal support in that they operate as 'boundary spanners'.

A United States study by Nahon & Pelod [32] identifies 555 individual gatekeepers as responsible for the disclosure of public data in US federal agencies. These were detected by studying and analysing the metadata author of each information asset. Of these they then identified two individuals responsible for releasing large amounts of information. These individuals were described as 'boundary-spanners' – as they sought opportunities to disseminate open data information deeply and extensively inside their own agency and across organisational walls in government, and between government and other sectors and thus being prepared to operate across silos.

The research has not gone further than identification nonetheless this mechanism has potential to overcome the barrier identified in the literature of the need for education and training of government employees in general. A 'boundary spanner' is recognition of how open data may disrupt government's traditional role as holder or owner of the data[33] and is an informal variation upon firstly, the more formal Chief Data Officer roles (focusing on analytics) in the United Kingdom and in many US cities starting with Chicago (in 2011) and secondly a nominated point of contact for the release of open data such as the NSW government where agencies nominate individuals (see here http://data.nsw.gov.au/plan).

5.13 EXAMPLE 🇺🇸 The Obama Administration has made prizes and challenges standard tools in every Federal agency's toolbox. Nearly 400 prizes and challenges have been posted on challenge.gov since September 2010 (see https://www.whitehouse.gov/open). Recognition may also be given by external independent evaluators:

In the United States an independent publication 'Citylab' which names ten of its favourite metro data sets **'Best Open Data Releases'** from cities across North America in an annual look at the extensive information now available from city governments, and the tools people are building with it. One of the top ten of 2012 is:

…Bikeshare rides in Boston. Boston's Hubway bikeshare system published a massive file of historic trip data… then invited riders and developers to turn the information into something useful with a data visualization challenge.

See http://www.citylab.com/tech/2012/12/best-open-data-releases-2012/4200/

Prizes are used internationally as a carrot to encourage agencies and individuals to promote transparency. In Australia the Report of the Government 2.0 Taskforce recommends awards for individual public servants and agencies.

5.14 The use of prizes and awards is based on notions of incentives or a 'pull' factor for proactive information release. Identifying Open Data Champions and boundary spanners is perhaps,

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[32] Karine Nahon & Alon Peled, 'Data Ships: An Empirical Examination of Open (Closed) Government Data' *Proceedings of the 48th Annual Hawaii International conference on System Sciences* (HICSS 48) 2015.
[33] Natalie Helbig, Anthony M Cresswell, G Brian Burke and Luis Luna Reyes, *The Dynamics of Opening Government Data: A white paper* (2012) Center for Technology in Government

somewhat more broadly, based on the principle of dis-intermediating. These mechanisms collapse boundaries between politicians, public servants, and citizens. They free public servants from their traditional gatekeeping role where the public servant is the middleperson between government and the citizen and therefore the distributor/withholder of information.

Switch 3: Build inter-agency trust: the use of soft regulation

5.15 Keeley et. al, identify 'shared understandings and trust, or at least management of mistrust, as among the most important determinants of whether staff from different organisations are prepared to share information'.[34] Solutions in the literature include: communicating good practice systems, providing adequate resources for training and security systems, maintaining good working relationships with other public bodies and providing clarity of rules of disclosure while maintaining flexibility.[35] This Switch provides examples of 'soft law' regulatory choices which may facilitate trust. This acknowledges that problems with information sharing between agencies is both structural/legal and practical.

5.16

EXAMPLE   The ICO urges urges heads of organisations and government departments to sign up to the *Personal Information Promise*. The promise is to demonstrate their organisation's senior level commitment to data protection and also is designed to send 'a clear signal to the workers in the organisation about the importance of looking after people's personal information and that this is something taken very seriously at senior level'. [36] It is neither mandatory nor legally enforceable nor intended to replace Information Charters. The signatories are publicly listed on the ICO website. Other examples of soft regulatory approaches include self-assessments, ICO privacy seals and education packages.

5.17

EXAMPLE   A recent report in the United Kingdom examined multi-agency models with respect to children and vulnerable adults.[37] It identified a spectrum of agencies – ranging from those with some existing forms of coordination in practice through to those with virtual links and finally agencies with real time information sharing (ie: MASH). Such organisations rotate staff, enable peer-to-peer learning, have joint training and information sharing protocols.

5.18

EXAMPLE   Trustworthiness can be heightened by reducing disincentives to share and promoting incentives to do so. [38] Simple steps which

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[34] Matthew Keeley, Jane Bullen, Shona Bates, Ilan Katz & Ahram Choi, *Opportunities for information sharing: Case studies*, Report Prepared for NSW Department of Premier and Cabinet, (April 2015) Social Policy Research Centre UNSW, 17.

[35] Law Commission, *Data Sharing between Public Bodies: A scoping Report* (Law Com No 351), 10 July 2014, 56 (and see p 84).

[36] ICO, https://ico.org.uk/for-organisations/improve-your-practices/personal-information-promise/

[37] Home Office, *Multi Agency Working and Information Sharing Project*, Final Report July 2014.

[38] Law Commission, *Data Sharing between Public Bodies: A scoping Report* (Law Com No 351), 10 July 2014, 105-106.

promote trust with respect to information sharing may be followed: such as (1) feedback on the outcome of sharing the information and (2) ensuring that the agency supplying the information understands the public benefit of its provision. Acknowledgement of resource and economic implications of data requests should be made – this is often all the more necessary as the sharing of data is often not regarded as 'core business'.[39]
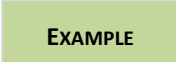
6. Encouraging information release in open government: Strategic tangible mechanisms to promote information release between Government and the public

6.1 The eight mechanisms below are inexpensive switches to promote release of government information to the public. As such they do not overly require permanent policy, legislative or administrative change. The mechanisms are grouped under the three characteristics of open government identified by the OECD – Transparent, Accessible, Responsive (see Figure 2).

TRANSPARENT: Promoting proactive release of government information: Democratizing information sharing

Mechanism 1: Democratizing information sharing through using Games Contests, App development and Hackathons (Civic Hacking) to crowd source ideas and promote government information release

6.2 This refers to public sector problem solving. Initiatives such as 'hackathons' which 'crowdsource' an online community to solve a problem through ideas and software development. These are already used successfully in NSW where the first State Government apps competition in Australia was introduced.[40] Another example is the MashupAustralia contest held by the Government 2.0 Taskforce, cash prizes of up to $10 000 were offered for 'excellence in mashing' and special prizes offered for students. The usefulness of contests such as "hackathons" or app development is not to necessarily derive useful innovations but rather to view each one as a small part of an incredibly broad movement.

6.3 EXAMPLE 🇬🇧 🇺🇸 Democratizing information sharing in this way is extensively used in the United Kingdom.[41] Innovations are also occurring in the United Sates with respect to crowdsourcing ideas through gaming. For example the US Institute for the Future, which identifies emerging trends and discontinuities has written a white paper[42] on

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[39] Law Commission, *Data Sharing between Public Bodies: A scoping Report* (Law Com No 351), 10 July 2014, 111.

[40] < http://data.nsw.gov.au/apps4nsw>.

[41] Public Data Group, *Statement on Public Data,* Summer 2014 <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/329817/bis-14-969-public-data-group-open-data-statement-2014.pdf>.

whether a game can 'generate insight into a complex problem facing the Navy?' The example used was a multiplayer online wargame (mmowgli) which gave the US Navy a chance to crowd source ideas on how to tackle energy problems. [43]

One example of the public using this space innovatively is the group named 'Code for America' https://www.codeforamerica.org/geeks/ . Their website states 'You have the power to help your city: Here are some simple ways to get started with civic hacking' - one example of a tool developed by them is called 'Aunt Bertha' which helps users find food, health, housing and employment programs based on their postal code.

Mechanism 2: Measure Government Performance: Encourage Citizen Rankings

6.4 Measurement tools vary. This mechanism is intentionally expansive and includes reporting on government performance through local, state and national rankings and organisational rankings. It includes the global rankings (see section 4). It extends to non-global rankings. Citizen rankings or regular on-going satisfaction measurement in relation to government service provision is the less common form of ranking. This is to be encouraged. In Australia there have been surveys undertaken such as the 2010, Quantum's social research survey - *AustraliaSCAN* – which asked a question aimed at measuring satisfaction ratings against a list of 15 variables, across the three tiers of government. In addition Australian citizen dashboards are slowly being developed (see http://au-city.census.okfn.org/ and http://australia.census.okfn.org/).

6.5

> **EXAMPLE**

The U.S. Public Interest Research Group Education Fund who issued a recent report "Following the Money 2015: How the 50 States Rate in Providing Online Access to Government Spending Data". This compares US states on an inventory of the content and ease-of-use of states' transparency websites (assigning each state a grade of "A+" to "F").   Other examples, of which there are many, include:

(a) government reporting on its own progress such as: in the United States the Project Open Data Dashboard (http://labs.data.gov/dashboard/offices) shows how Federal agencies are performing on the Open Data policy;

(b) government reporting on its own open data initiatives (such as DATA NSW -   http://data.nsw.gov.au/ and also see Issy-les-Moulineaux a small city on the outskirts of Paris https://www.data.gouv.fr/en/dashboard/;

(c) Ongoing reporting by government against targets listed in strategic plans. An example is the City of Edmonton citizen dashboard whereby the city posts its targets and reports where it is at with them: https://dashboard.edmonton.ca/.

(d) Citizen rankings or regular on-going satisfaction measurement (www.patientopinion.org.uk/ ; www.patientopinion.org.au/;www.patientopinion.com/)

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[42] Institute for the Future, 'Government for the 100%: using games to democratize innovation and innovative democracy' <http://www.iftf.org/fileadmin/user_upload/downloads/MMOWGLI_Government_SR-1539.pdf>.
[43] Julia Pyper and ClimateWire, (2012) 'Navy Recruits Players for Online War Game to Tackle Energy Challenges' *Scientific American*.

6.6   EXAMPLE   🇬🇧   In the United Kingdom info-philanthropy [44] is encouraged. This term described the creation by individuals or not-for-profit based organisations of information assets as a public good:

> *Armchair Auditor OnTheWight*. http://armchairauditor.onthewight.com/
>
> With this Website you can easily and quickly find out where the Isle of Wight council has been spending their/our money.
>
> We've also gathered a large amount of the council's Credit Card spending, so you can look through that too.

ACCESSIBLE: Improve consumption of government information:

Mechanism 3: Selecting policy area as the moderator for transparency and usage by combining a bottom-up and top-down approach to select specific data sets for release

6.7 The literature consistently identifies a gap between what government stakeholders and what citizens think is important information to publish.[45] This gap is viewed internationally as problematic. This gap is critical to resolve given the *NSW Government Open Data Policy*, September 2013, V1.0 encourages the release of 'high value' data sets which 'will be identified by the agency responsible for managing the Dataset (the 'custodian')'. The story of data release by government is one littered with error. This learning curve is reflected in the Australian experience. For example Data.gov.au was established in 2011. Its aim is to provide an easy way to find, access and re-use public datasets from the Australian Government.   When it was Relaunched 17 July 2013 (using the CKAN, Comprehensive Knowledge Archive Network) platform on the Amazon cloud (Australian based) the number of data sets fell from 1200 to 500.[46]

6.8   EXAMPLE   🇬🇧   The United Kingdom strategic approach to data set selection combines a top-down push directing departments to release data sets and a bottom-up process to prioritise data for release.[47]   The UK government suggests that this results in the release of stakeholder relevant information and not just information the government regards as 'core'. Formal steps have been taken such as the establishment of a group in the Cabinet Office comprising 14 officially selected volunteers from the civil society and the private sector who

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[44] Report of the Government 2.0 Taskforce, *Engage: Getting on with Government 2.0,* 2009, 13.

[45] Craig Thomler, 'Government stakeholders and citizens see different priorities for open data release' Blog post, March 21, 2014 <http://egovau.blogspot.com.au/2014/03/governmetn-stakeholders-and -citizens.html> citing Socrata.com.

[46] Allie Coyne, 'Govt finds one third of open data was "junk" (2013) <http://www.itnews.com.au/News/363834,finance-finds-one-third-of-open-data-was-junk.aspx>.

[47] HM Government, *The Government Response to Shakespeare Review of Public Sector Information*, June 2013

play an advisory role on the data the government should release.[48] The importance of combining approaches is confirmed in the following study:

> An empirical study comparing the release of information by two Czechoslavakian public sector bodies – focused upon the benefits of a 'top down' information release approach as opposed to a 'bottom up'.[49] The study found a bottom-up approach (releasing a specific data set) to be quicker and to allow the body to learn from experience.   Here noting that selecting the right databases might also be significant – selection being done according to large FOI requests and the fact that a portion of it was already published on the website). This would then promote re-use – this was seen as a significant evaluation factor – tracking and mapping re-use of data. The bottom up initiative consumed only 30 man-hours while the top-down took several personnel months – the top down was an analysis of available datasets in order to identify suitable data sets for opening up and priorities of release were set – so all datasets examined and a subset selected.

An empirical study of two Swedish municipalities – Stockholm and Skelleftea - showed that there is a difference in information release as to whether open data is approached as a long term or short term strategy. [50] A long term bottom-up approach was favoured by the study.

6.9 In summary a 'purposeful approach to information release will enable the value of information as a strategic asset to be realised'.[51] In Australia purposeful release is practically possible and is encouraged through the use of Freedom of Information (FOI) Disclosure logs (see: *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act) s 25; *Freedom of Information Act 1982* s 11C(3)). As noted in a NSW IPC Knowledge Update in 2012 the appearance of FOI disclosure logs provide opportunity as 'it indicates to the agency the type of information that it should consider releasing proactively…'. A further bottom up example is the use of public suggestion through websites (ie: data.gov.au) which allow citizens to suggest data sets for public release.

Mechanism 4: Use non-government platforms to promote government information

6.10 This is part of the Commonwealth government push for open data. The Government encourages usage of third party sites to reduce future duplication of online services between government and user-generated sites and to complement citizen-led endeavours rather than crowd them out of the market. For example its *Publishing Public Sector Information – Web Guide[52]* states that options for publishing datasets include:

- agency websites
- *data.gov.au*
- Data collections or catalogues
- third party sites

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[48] Ubaldi, B, 'Open Government Data: Towards Empirical Analysis of Open Government Data Initiatives' (2013) *OECD Working Papers on Public Governance*, No. 22, OECD Publishing. <http://dx.doi.org/10.1787/5k46bj4f03s7-en>, 35.

[49] Jan Kucera & Dusan Chlapek, 'Comparison of Approaches to Publication of Open Government Data in Two Czech Public Sector Bodies' (2014) 6(1) *Journal of eDemocracy* 106-111.

[50] Josefin Lassinantti, Birgitta Bergvall-Kareborn and Anna Stahlbrost 'Shaping Local Open Data Initiatives: Politics and Implications' (2014) 9(2) *Journal of Theoretical and Applied Electronic Commerce Research* 17-33

[51] Elizabeth Tydd, 'Around the world with open government' (2015) 42 *Public Administration Today* 53

[52] Australian Government, 2011, *Publishing Public Sector Information – Web Guide* <http://webguide.gov.au/web-2-0/publishing-public-sector-information/>.

This mechanism may extend across platforms such as apps, blogs, social media and established websites. One benefit is to ensure that government does not duplicate the efforts of pre-existing user-generated sites or. It will also allow government to work with service users more cheaply by working with pre-existing non-government user platforms. This strategy is clearly necessary as shown in a 2015 survey by UK Public Data Group confirming the significance of combining data from different sources:

> In the UK a recent survey which received 143 responses from organisations including a range of size and sectors - from GCSE students, to established major financial institutions.
> Responses supported the idea that the value in data lies in combining it with other data sources. In fact almost 86% of responses from those using data were using data from more than one source. There were very few instances of organisations using the same combination of data sets but the importance of both Ordnance Survey data and data from Local Authorities was clearly made. Another noticeable point is the number of respondents who aren't exclusively using open data. 40% for example were using paid data from private sources in addition to other data sources. [53]

6.11

EXAMPLE   Exeter City Council has a clear policy as to the third party websites the   authority will and will not link to (http://www.exeter.gov.uk/). This encourages combining data and information from different sources and identifies the potential benefits of government using established third party platforms. As stated in a 2007 UK report:[54]

> "I was once on holiday in a foreign country where some very active political unrest started kicking off. ..the situation was serious enough for the Foreign Office to issue a travel advisory. I got chatting to this guy in a bar who worked at the British Embassy, and he was saying he was very frustrated that his bosses wouldn't let him go and post something on the Lonely Planet forum. He knew perfectly well that was where all the travellers were looking for information and discussing the situation. "We should be in there, part of that conversation, or what's the point" he said."

Mechanism 5: Republishing and re-using government data

6.12 Free data, flexible licencing, accessible, re-usable and easy to find data sets which are released as timely and relevant are all preconditions to this mechanism. This mechanism is concerned with what happens after data is released. In NSW government data should be released with a statement as to its quality.[55]

6.13

EXAMPLE   The United Kingdom scheme for data publishing (see data.gov.uk) ranks data published according to a 5-star rating scheme. This is

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[53] Public Data Group, *Statement on Public Data,* Spring 2015 Updatehttps://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414811/bis-15-247-public-data-group-open-data-statement-2015.pdf

[54] Mayo Ed & Tom Steinberg, *The Power of Information*, (June 2007) <http://www.opsi.gov.uk/advice/poi/power-of-information-review.pdf>,43.

[55] NSW Government, *Open Data Policy*, September 2013, 1.0, <http://www.finance.nsw.gov.au/>.

presented in the diagram below: [56]   indicate whether the data and the format that it is published in is open.
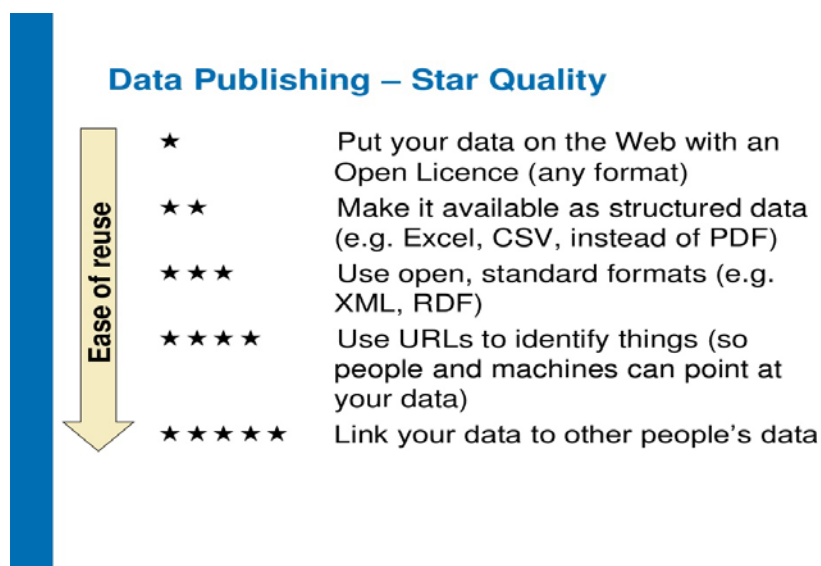
The Sunlight Foundation also recommends not only listing available data sets but to make the listing of data as useful as possible. For example such a list should be guaranteed in terms of availability of data and also encompass data that may be viewed as sensitive or unlikely to be released (along with any other helpful context).

6.14 The literature contains some answers as to how to effectively encourage individuals to engage in data re-use. Three of which are:

1. Emphasize local use of data: such as the fact that data often becomes more useful when it is local (this does not currently occur with many Australian data reuse stories which are available, see http://ands.org.au/discovery/reuse.html);

2. Create physical localities for data sharing: 'makerspacers' sometimes referred to as hackerpsaces' or physical locations where people gather together to share resources an knowledge have increased from 9 to 97 in the UK since 2010 (see http://www.nesta.org.uk/blog/top-findings-open-dataset-uk-makerspaces); and

3. Use young people and parents: A UK Nesta study found that 82% of young people say they are interested in digital making and 89% of parents say it is a worthwhile activity (see http://www.nesta.org.uk/publications/young-digital-makers).

RESPONSIVE: Sharing information: involving non-government actors as co producers in governance

Mechanism 6: Integrate established non-government organisations into policy making

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[56] Andrew Stott, 'Open Data: its value and lessons learned' UK Transparency Board, Presentation to Australian Government Open Data Group, February 2014 <http://www.slideshare.net/dirdigeng/20140203-opendataaustralia01>.

6.15 This mechanism suggests linking government with established non-government organisations to co produce information. The benefit of using such organisations is the established springboard they offer for a horizontal approach to promote open government through proactive information release.

6.16   **EXAMPLE**   Danish Case Study: In 2014 the Danish Senior Citizens Councils won the global Open Government Awards for the international Open Government Partnership (OGP).

Senior Citizens Councils is a voluntary nationwide organization which consists of Senior Citizens Councils, each representing one of the 98 municipalities in Denmark. The purpose is to work as a connection between the elderly people (over 60s) and the local decisionmakers, by being consulted in all matters regarding elderly people ...Senior Citizens Councils are based on Danish social legislation and are tied to the local politicians and local government. The Councils have proven efficacy and have a real impact on local government policy relating to the elderly....

In addition to consulting the local SCC in formal decision-making processes, many local city councils involve the SCC earlier in the process, such as in the planning phase of construction of new care housing, relocation of bus stops, developing special measures for people with Alzheimer's, etc. The Council members are critical, but also view every issue as a whole and respect that it may be necessary for politicians to prioritise and make tough choices.

6.17 This model of collaboration between government and non-government citizen organisations exists to varying degrees across Australia. A variety of well-established civil society groups perform a similar role to the Danish Senior Citizen Councils. Prominent examples of such organisations are the Australian Council of Social Service (ACOSS) and the Council of Social Service of New South Wales (NCOSS). For example ACOSS (with organisations such as the Australian Council of Trade Unions and the Business Council of Australia)[57] submits proposals to government for improvements to employment assistance services and NCOSS describes its own role as a 'channel for consultation with government and between parts of the non-government sector with common interests and diverse functions' and is involved in many government and private sector committees and advisory bodies (see Appendix 4).[58]

6.18   **EXAMPLE**   **Case Study: ACOSS and The Give Grid**: In May 2014 ACOSS launched a National Project to help community organisations to cut energy use and costs. ACOSS' Give Grid Project has involved workshops and webinars, as well as the provision of online resources to help community service workers to reduce electricity use in the workplace. It is being evaluated this year.

The project was developed by ACOSS in response to a sectorwide survey conducted in 2013 to find out how the community sector copes with energy costs and accessing energy efficiency. In the survey, 70% of community organisations told ACOSS they want to undertake an energy efficiency audit to help them cut costs, but that the costs involved were the main barrier to doing so.

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[57] ACOSS Annual Report 2013-2014.
[58] NCOSS Annual Report 2013-2014, 11-12.

In response ACOSS developed The Give Grid as a hub for sharing and supporting Good Energy Stories across the community sector. The aim is to implement 'The Give Grid' as a project to support community organisations large and small become more energy efficient, and enjoy all the savings that brings http://www.thegivegrid.org/

The project received funding from the Australian department of industry as part of the energy efficiency information grants program, linking at establishment stage the Australian Government Department of Industry and ACOSS

The Give Grid case study highlights two obvious differences between the Australian organisations and the Danish Senior Citizen Councils. Firstly, the Australian organisations operate as private companies. There is an absence of the formal legislative framework which exists in the Danish example which limits the coproduction model. This is a structural limitation which may be of relevance to the efficacy of using existing organisations as mechanisms for information exchange. Secondly, and more importantly, there is a missing information loop exchange. In the Danish case study citizen input into governance occurs prior to decision making arguably this step is required in order to establish non-government organisations as co producers of government policy.

Mechanism 7: Ensure sustainable change through the integration of "ecosystems" [59] of key actors

6.19 This mechanism is based upon the promise that the creation of the right ecosystem – i.e. a community of key actors - is essential not only to reap the economic benefits, but also to generate the value of open government data initiatives in social and political terms. The point is not that the ecosystem exists broadly but is identified on a scaled down version - as specific communities of actors to interact with. This will promote open data use by third parties, as well as the uptake of the use of technology through the apps (and other forms of social media) based on open data, which are essential factors to make open government data initiatives sustainable and to create value. The aim is that in doing so this overcomes or perhaps even removes the need for an intermediary between open data and users of open data, enabling the ecosystem to provide the target group for raw data.[60]   This mechanism suggests *strategic ecosystem thinking,* which may include '(1) identifying the people and organizations that act as essential components of the ecosystem; (2) understanding the nature of the transactions that take place between those entities, perhaps aided by the creation of a visualization of the localized ecosystem in action; (3) recognizing what resources are needed by each entity in order to engage with each other in transactions of value; and (4) observing the indicators that signal the relative health of the ecosystem as a whole'. [61]

6.20   **EXAMPLE**   🇺🇸 The app —Asthmopolis‖ is an example of an application developed thanks to an ecosystem of people – here asthma sufferers. The app has

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[59] Ubaldi, B, 'Open Government Data: Towards Empirical Analysis of Open Government Data Initiatives' (2013) *OECD Working Papers on Public Governance*, No. 22, OECD Publishing. <http://dx.doi.org/10.1787/5k46bj4f03s7-en> , 34.

[60] Ann-Sofie Hellberg and Karin Hedstrom, 'The story of the sixth myth of open data and open government' (2014) *Transforming Government: People, Process and Policy* (2015) 9(1) 35-51, 42.

[61] Teresa M. Harrison, Theresa A. Pardo and Meghan Cook 'Creating Open Government Ecosystems: A Research and Development Agenda' (2012) 4(4) *Future Internet* 900-928.
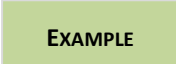
brought social value and improved quality of life to a vulnerable segment of the population: people with asthma.
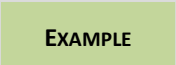
> …a small Bluetooth device that attaches to an inhaler, sending updates to an app on an iPhone or Android smartphone. The app collects detailed data about when and where people use their inhaler, relying on the GPS on their phone to pinpoint their location, with the app automatically creating an "asthma diary" for them. This information can help asthma patients and their doctors track exactly when and where they have asthma symptoms, as well as identify when their asthma is not under control.
>
> Public data and data provided by people affected by the disease have been merged into the app to enable the identification of highly dangerous spots in the U.S. for asthmatic people. Hospitals have recorded a decrease of 25% of the incidents since the app was created.

Mechanism 8: Encourage co-production of information through individual citizen contributions

6.21 This mechanism focuses upon how to engage the citizen as a co producer of government information. This recognises the citizen evolving from a dependent relationship upon government for information to one of mutuality and reciprocity where citizens in receipt of government services are conceived as resources of value to, and collaborators in animating, the system, rather than as mere beneficiaries of it. This means that citizens as users of public services are not defined entirely by their needs, but also by what they might contribute to service effectiveness, and to other users and their communities through their own knowledge, experience, skills and capabilities. [62]

6.22 EXAMPLE Innovations such as Canberra Connect introduced by the ACT Government in 2001 exemplify e-government initiatives which make access to government easy by providing a whole-of-government platform for customer service delivery. [63] These initiatives have been classified as the first wave of digital era governance or Web 1.0 systems. These systems remain significant today, for example the Singapore government uses a 'OneInbox' which ' is the official Government platform where individuals can receive their government-related correspondences electronically, in place of hardcopy letters'. [64]

6.23 EXAMPLE The next wave is made possible by Web 2.0 developments such as social networking approaches through cloud computing. This is also characterized by innovative use of digital systems. Websites are being used in innovative ways to enhance the interaction between citizens and government. For example in the United States: [65]

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[62] Brenton Holmes, 'Citizens' engagement in policymaking and the design of public services' (22 July 2011) Parliament of Australia, *Research Paper no. 1 2011-2012*.

[63] ACT Government *Open Government: Opportunities for e-Services Delivery in the ACT* <http://www.cmd.act.gov.au/open_government/report/connected_community,_connected_government#fn-201-103> Citing Patrick Dunleavy, (2010) *The future of joined-up public services* 2020 Public Services Trust

[64] Singapore eGov, <http://www.egov.gov.sg/egov-masterplans/egov-2015/programmes;jsessionid=BD149FDB4A222EF141C38B096FFEC1E3>.

[65] 2014 Open Government Awards <https://www.opengovawards.org/Awards_Booklet_Final.pdf>.

The National Archives engages citizens to help unlock historical government records through crowdsourcing projects on the Citizen Archivist Dashboard. Since 2012, citizens have contributed millions of tags, metadata, transcriptions, video subtitles, and digital images to the project.

6.24 **EXAMPLE** 🇨🇦 Apps promote interactivity between citizen and government. For example the City of Edmonton has developed a "311 mobile App" - the 311 apps are cited as one of the top ten innovations for smart cities.[66]

Report your concerns on the go with the Edmonton 311 App!

Help keep Edmonton great! Be the eyes and ears on the streets!

Send a photo with your request and use your smartphone's GPS function to pin point an issue's location. By doing this, you're helping us to better assess, prioritize and determine the corrective action based on severity, location, and other factors.

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[66] <http://www.villageswithoutborders.com/#!about/c20r9>.

7. Evaluation of open government

7.1 The pressing question is how best to evaluate the success of any open government effort and more particularly the proactive sharing of government information? As section 4 identifies there are a number of international ranking or benchmarks used in this area. This leads some commentators to observe that the problem is not that transparency has not been measured enough but that rather what we see is a patchwork of ratings and indices evaluating various aspects of government openness, '[T]here is no single rating that is both comprehensive and truly global in scope'.[67]

7.2 Rankings do not measure inter-agency information release. Further, while countries such as the United States and the United Kingdom lead the world performance rankings for open government, significant blocks to information release remain in those jurisdictions. For example, despite US agencies self-evaluation of themselves as meeting expectations of the Open Government Directive[68] Nahon and Peled[69] found that 5 years after the announcement of open government by the Obama Administration that most US federal agencies do not comply with the standard while 25 partially and weakly comply with it. The same authors identify blocks to evaluation of agency performance in the United States as:

- Agencies not setting openness deadlines or publishing performance data;
- Refusing to share data release plans;
- Did not live up to goals they themselves set.

7.3 Formal and reliable evaluation of the mechanisms suggested in this report do not exist. Indeed metrics for assessing the impact of government efforts to operationalize the principles of open government through proactive information release both between agencies and from government to the public are not obvious.[70] Existing evaluation tends to focus on compliance, assessment of more complex indicators of value such as information availability, use, and impact proves considerably more complicated. In short no consensus has emerged on what counts as metrics for success in open government.

7.4 That said there are building blocks for future research on evaluation of open government distributed throughout the literature. A recent report used case studies to examine information sharing across agencies in NSW;[71] examples of evidence based evaluation include peer comparisons

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[67] Sheila S Coronel, 'Measuring Openness: A survey of transparency ratings and the prospects for a global index' *freedominfo.org* http://www.freedominfo.org/2012/10/measuring-openness-a-survey-of-transparency-ratings-and-the-prospects-for-a-global-index/

[68] Angela M Evans & Adriana Campos, 'Open Government Initiatives: Challenges of Citizen participation' (2013) 32(1) *Journal of Policy Analysis and Management* 177

[69] Karine Nahon & Alon Peled, 'Data Ships: An Empirical Examination of Open (Closed) Government Data*' Proceedings of the 48th Annual Hawaii International conference on System Sciences* (HICSS 48) 2015

[70] Karen Gavelin, Simon Burall and Richard Wilson, *Open Government: beyond static measures*, A paper produced by Involve for the OECD, July 2009

[71] Matthew Keeley, Jane Bullen, Shona Bates, Ilan Katz & Ahram Choi, *Opportunities for information sharing: Case studies*, Report Prepared for NSW Department of Premier and Cabinet, (April 2015) Social Policy Research Centre UNSW.

and comparisons to targets[72] and statistical analysis of time series data – an example of such an evaluation being that of the Chicago Alternative Policing Strategy (CAPS) which started in 1993.[73]

7.5 There is current research underway, such as the Australian Open Data 500 and the OGP research agenda, however more nuanced and extensive research is required. As McMillan states '[o]pen government is multi-dimensional: it is more than the disclosure of hitherto secret information; it is also about how society is governed, who participates in government, how decisions are made, and how information is managed.'[74] Future research must map inter-agency information sharing. Questions to investigate may include: What are enablers for information sharing? What is being done well in NSW? What information-sharing policies are needed? How can the dissemination of government information between agencies (and to the public) be done most efficiently and effectively be realised in a context-relevant, timely and actionable manner? Future research must also identify and evaluate the different stages of information release (ie: infrastructure development and education of citizens and government employees; usage of information and transformation such as public value).

7.6 This report recommends that the **immediate next step** is to implement selected mechanisms from this report and to evaluate them. It is suggested that Switch 1, in Section 5, be the first mechanism implemented and evaluated. The UK model of a principles based regulatory model to promote a model of proactive agency information sharing – adapted and applied in the NSW context promises to build upon the strategic direction already taken in NSW.

7.7 Longer term this report recommends both a macro and micro approach for future research.

A **macro impact** evaluation will examine the broad outcomes of an initiative from a social, political and economic perspective. Needed research includes:

1. Development of a core list of performance indicators across each of the three characteristics of open government: transparency, accessibility, responsiveness. This should be done for both inter-agency information sharing as well as for government to public information sharing. It will facilitate evaluation and strategic development of initiatives.
2. A deep assessment of demand for information by firstly government agencies from other agencies and secondly whether the flow of information actually benefits all sectors of the population and promotes democratic principles.
3. A broader investigation of possible applications inter-disciplinary applications of thought such as the relevance of organizational learning research[75] to facilitate knowledge transfers across government agencies.

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[72] Ken Wolf and John Fry 'Benchmarking Performance Data' in Brett Goldstein and Lauren Dyson, *Beyond Transparency: Open Data and the Future of Civic Innovation* (2013) Code for America Press http://beyondtransparency.org/pdf/BeyondTransparency.pdf 245

[73] So Young Kim and Wesley G. Skogan 7 February 2003 *Community Policing Working Paper 27* Statistical Analysis of Timeseries Data on Problem Solving http://www.ipr.northwestern.edu/faculty-experts/docs/policing_papers/caps27.pdf

[74] John McMillan, 'Twenty Years of Open Government – What Have We Learnt?' *Inaugural Professorial Address*, delivered 4 March 2002, p 6.

[75] Jeffrey H Dyer and Kentaro Nobeoka, 'Creating and managing a High Performance Knowledge-sharing Network: The Toyota Case' (2000) 21(3) *Strategic Management Journal* 345-367

At a **micro level**, we must move past simple counts of datasets as benchmarks for evaluating open government success. Case studies and surveys will be useful in providing a clearer understanding of the extent and impact of innovations made in specific sectors and under prescribed conditions. This form of evaluation will assist to improve strategy and develop principles of measurement based around shared, timely, and actionable information.

8 Conclusion

8.1 The methodology used in this report is a literature survey. This approach combines strengths with weaknesses. An obvious strength is to showcase innovative and international initiatives in open government and proactive information release. An obvious limitation is the absence of a coherent model to evaluate the success of the mechanisms identified. This is not to suggest that this is superficial approach. Although a literature review will only produce a surface picture of what is happening internationally it also provides a more comprehensive overview as to triggers for information release than that which exists today. Indeed one way to build on this report is to put together collaborative case studies of open government success. While the mechanisms here are not suggested as magic bullets the suggestion is that they nonetheless serve as strategic steps focus and evaluate efforts to promote more transparent, accessible and responsive government.

Appendix 1: Methodology

Research aims:

The overall research aim was to *undertake a comparative analysis of how open government may be achieved through identifying mechanisms which promote information release in open government.* Subsidiary research aims were to:

- Describe what 'open government' means; how open government should look and how it can be delivered through tangible mechanisms (with focus upon any 'switches' which encourage the release of information);

- Identify jurisdictions leading open government and discuss current measures to evaluate open government (such as Open Government Ranking measures); and

- Suggest future research (eg. is there a research gap in effective measurement and evaluation of the delivery of open government).

Research questions:

The following set of research questions were designed to operationalize and fulfil the research aims:

(1) How is information release encouraged in open government?
(2) Are there tangible mechanisms which can be introduced to promote information release in open government?
(3) How is best practice in open government evaluated internationally?
(4) Is there a need for future research?

Research design:

The research questions were investigated using the following methods:

- Academic literature review and analysis;
- Documentary analysis of annual reports and corporate plans from selected open government schemes *and*
- Input from the IPC and IPAC

For additional information, government documents, newspaper articles, blogs and relevant Internet sites containing information on open government were analysed. The search was limited to documents reports and Web sites that could be accessed through the website of UTS or the UTS Library. The analysis was based on over 80 articles, 25 government and parliamentary documents and relevant legislation and case law. Internet searches were used extensively. The main websites cited in this report are listed in Appendix 3. The aim of this review of existing academic literature and documents produced by policymakers and practitioners was to provide context.

One difficulty in the research scope is that open government includes discussion of much more than information sharing – for example, whistleblowing, secrets, privacy – also open government has been subject to a change in terminology over time. For example accountability has arguably always been in discussions of legal and other regulatory frameworks.   While the research covered many of these aspects the attempt was made to limit it. Thus a number of areas to explore in-depth based on the research aims was identified and the literature was reviewed under the following themes:

- Changing government behaviours with respect to information;
- Emerging open government models;
- Data;
- International open government rankings;
- Evolution of open government;
- Policy developments on information sharing; and
- Justice

From this traditional literature review the project then departs from a typical approach to research methodology and uses a variation of the approach first adopted by a 'bright spots' concept and then used in the Open Government Bright Spots Competition:

"The basic premise is simple: our typical approach to problem-solving is to develop a hypothesis about what might work, introduce some sort of 'treatment' or intervention, and then spend months or years trying to figure out whether our intervention is having a positive impact. But an alternative approach is to look around for individual examples of where things are going well, and then lift up the hood to see what seems to be driving that success. - See more at: http://www.opengovpartnership.org/blog/linda-frey/2013/10/22/get-ideas-get-concrete-get-inspired-watch-bright-spots-talks-ogp-summit#sthash.cVt8ywPI.dpuf"

Adopting this approach the project utilises the Open Government rankings to select leading jurisdictions and to identify examples of real initiatives which seem to be going well. It attempts to identify creative solutions to proactive release of government information. In doing so the criteria applied are very broad, being to provide practical examples of mechanism which may be used to promote government information release under each of the characteristics of open government. Given the general absence of formal evaluation of the majority of the ten mechanisms the selection process was without the benefit of a rigorous criteria for selection.

Appendix 2: Key events in open government

1776

Freedom of the Press Act (1776) (Sweden)

Sweden was the first country in the world to adopt a law granting citizens the right to access information held by public bodies, having adopted its Freedom of the Press Act in 1776. The Act, part of the Swedish Constitution, guarantees the right of access through Chapter 2 On the Public Nature of Official Documents. Despite the title, the right is available to everyone, not just the press Article 1 of Chapter 2 of the Act states that "every Swedish subject shall have free access to official documents."

1966

International Covenant on Civil and Political Rights (art 19) (United Nations)

1966

United States *Freedom of Information Act* (United States)

1972

Whitlam Government promises to enact a freedom of information Act along the lines of the United States law – the promise was realised ten years later (Cth)

1980

International Covenant on Civil and Political Rights (art 19) ratified by Australia (Cth)

1 December 1982

Freedom of Information Act 1982 (Cth)

Freedom of Information Act 1982 (Vic)

1989

Freedom of Information Act 1989 (NSW)

Freedom of Information Act 1989 (ACT)

1991

Freedom of Information Act 1991 (SA)

Freedom of Information Act 1991 (Tas) (came into effect 1 January 1993)

1992

Freedom of Information Act 1992 (Qld)

Freedom of Information Act 1992 (WA)

21 January 2009

Memorandum on Transparency and Open Government; Memorandum on the Freedom of Information Act (US)

7 December 2009 (UK)

Prime Minister Gordon Brown "Smarter Government" speech (UK)

8 December 2009

United States Open Government Directive (US)

December 2009

Australian Law Reform Commission, *Secrecy Laws and Open Government in Australia* Report 112 (Cth)

22 December 2009

Report of the Government 2.0 Taskforce, *Engage: Getting on with Government 2.0* (Cth)

Investigates Government 2.0 or the use of the new collaborative tools and approaches of Web 2.0 (including blogs, wikis and social networking platforms) offering the opportunity for more open, accountable, responsive and efficient government. Taskforce observed the lack of coordinated governance framework to underpin individual agency efforts and seeks to provide that framework (p 16). Taskforce recommends a Declaration of Open Government emphasising the role of Web 2.0 tools

2010

Declaration of Open Government Department of Finance and Deregulation, Commonwealth of Australia, *Declaration of Open Government* (16 July 2010) http://www.finance.gov.au/policy-guides-procurement/declaration-of-open-government/ (Cth)

2010

The Office of the Australian Information Commissioner (OAIC) (Cth)

An independent statutory agency within the Attorney General's portfolio The OAIC was established under the *Australian Information Commissioner Act 2010* (AIC Act), which provides for the appointment of the Australian Information Commissioner (Information Commissioner), the Privacy Commissioner (previously appointed under the *Privacy Act 1988*) and the Freedom of Information Commissioner (FOI Commissioner).

2010

Open Government Directive required agencies by January 22 2010 to make three high value data sets available to the public by Data.gov and by April 7 to post an Open Government Plan. (US)

2011

Launch of Data.gov.au (Cth)

(Launched and then Relaunched 17 July 2013)

2011

All federal government departments must disclose Freedom of Information logs (Cth)

1 January 2011

The Information and Privacy Commission NSW (IPC) established as an independent statutory authority that administers New South Wales' legislation dealing with privacy and access to government information. The Privacy Commissioner reports to Parliament at regular intervals on the operation of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and *Health Records and Information Privacy Act 2002* (HRIP Acts).

2012

NSW Government ICT Strategy 2012 (released in May 2012)

In which open data supports the open government principles of transparency, participation, collaboration and innovation that are identified as priorities NSW Government ICT Strategy;

 Victorian DataVic Access Policy

enables public access to government data was launched alongside the IP Policy and other initiatives such as the use of Performance agreements

May 2013

Australia signs letter of intent to join the Open Government Partnership (OGP) by April 2014 (Cth)

2015

UK *Open data roadmap for the UK* 2015 (UK)

Three steps: Commit to data training and skills development for government, business and citizens; Incentivise government to consume open data, not just publish it; and Connect research and development frameworks to open data.

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Website List

Site 1: Open Data Barometer

http://barometer.opendataresearch.org/

Site 2: Sunlight Foundation

http://sunlightfoundation.com/

Site 3: Open Government Partnership

http://www.opengovpartnership.org/

Site 4: World Bank

http://data.worldbank.org/

Site 21: Information Commissioner Office

https://ico.org.uk

Site 6: Australian Government

http://data.gov.au/

Site 7: Open Data 500 Australia

http://www.opendata500.com/au/

Site 8: AusGOAL (Australian Government Open Access and Licencing Framework)

http://www.ausgoal.gov.au/what_is_open

Site 9: Apps4nsw

http://data.nsw.gov.au/apps4nsw

Site 10: Singapore eGov

http://www.egov.gov.sg/

Site 11: 2014 Open Government Awards

https://www.opengovawards.org/Awards_Booklet_Final.pdf

Site 12: Villages Without Borders

http://www.villageswithoutborders.com/#!about/c20r9

Site 13: Edmonton 311 app

http://www.edmonton.ca/city_government/initiatives_innovation/311-app.aspx

Site 14: Code for America'

https://www.codeforamerica.org/geeks/

Site 15: Local Open Data Census

http://au-city.census.okfn.org/

Site 16: Australia's Regional Open Data Census

http://australia.census.okfn.org/

Site 17: UK Open Data

https://www.data.gov.uk/

Site 18: Nesta

http://www.nesta.org.uk/

Site 19: Exeter City Council

http://www.exeter.gov.uk/

Site 20: Chronology of Open data across Australia

http://www.finance.gov.au/blog/2013/07/17/new-datagovau-%E2%80%93-now-live-ckan/

Site 21: Issy-les-Moulineaux

https://www.data.gouv.fr/en/organizations/ville-d-issy-les-moulineaux/

Appendix 4: Select Legislation

Government Information (Public Access) Act 2009 (GIPA Act)

Government Information (Information Commissioner) Act 2009 (GIIC Act)

Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act)

Data Protection Act 1998 (UK): Schedule 1 & 2 (3 not extracted here)

SCHEDULE 1 THE DATA PROTECTION PRINCIPLES
PART I THE PRINCIPLES

1Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—

(a)at least one of the conditions in Schedule 2 is met, and

(b)in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

2Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

3Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

4Personal data shall be accurate and, where necessary, kept up to date.

5Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

6Personal data shall be processed in accordance with the rights of data subjects under this Act.

7Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

8Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

SCHEDULE 2 CONDITIONS RELEVANT FOR PURPOSES OF THE FIRST PRINCIPLE: PROCESSING OF ANY PERSONAL DATA

1The data subject has given his consent to the processing.

2The processing is necessary—

(a)for the performance of a contract to which the data subject is a party, or

(b)for the taking of steps at the request of the data subject with a view to entering into a contract.

3The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.

4The processing is necessary in order to protect the vital interests of the data subject.

5The processing is necessary—

(a)for the administration of justice,

 (aa)for the exercise of any functions of either House of Parliament,(b)for the exercise of any functions conferred on any person by or under any enactment,

(c)for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or

(d)for the exercise of any other functions of a public nature exercised in the public interest by any person.

6(1)The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

(2)The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.