



RESPONSE

**to the European Commission
green paper**

***Public Sector Information:
a Key Resource for Europe***
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0 Introduction

0.1 The Library and Information Commission was established in 1995 to advise the United Kingdom government on library and information matters and to draw its attention to emerging trends. We very much welcome the opportunity to comment on the European Commission's Green Paper on Public Sector Information in the Information Society and we would hope that, once the European Union's current political situation has been resolved, the Commission will be able to move forward as rapidly as possible in turning this policy into action.

0.2 As far as the priority actions at European level are concerned, the essence of our response is:

- A clear distinction needs to be made between issues of freedom of information and citizens' access to public information.
- Solutions needs to be demand-led and event-centred, and not necessarily based on existing institutional structures.
- Quality of finding aids and navigation tools is paramount; they must be comprehensible and transparent to citizens.
- An early task is to map public information provision throughout Europe and identify gaps.
- Following this, it should be possible to set Europe-wide minimum standards for provision, access, quality, navigation and finding aids.
- Mechanisms will be needed for ensuring equitable access in all member states, including mediated access.
- The economics of Internet distribution mean that the principle of 'free at the point of use' is a realistic one for 'vital' public information.

1 Which definition of public sector is most appropriate...?

1.1 As was suggested by speakers at the Brussels public hearing of May 25, the emphasis should not be on 'public sector information' but on 'public information' - information provided through the state or its agencies of whatever kind that citizens need in order to pursue their daily lives. To be effective, the definition needs to match citizens' requirements for information; it needs to be customer-led and event-centred, and not to be based on existing or future institutional structures.

2 Do different conditions for access in the Member States create barriers at European level...?

2.1 As was once again suggested at the Brussels public hearing, different solutions may be needed for different circumstances. One difference that needs to be made clear from the outset is the distinction between Freedom of Information (a citizen's right of access on demand to internal official documents) and Public Information (information to be made publicly available for use by all citizens as appropriate - for example the 'vital' information referred to in the Brussels hearing). Each of these two strands is equally important and, in the case of the first, a number of Member States have legislated already, while the UK has just introduced a draft Freedom of Information Bill which is likely to be the subject of intense public debate before it is finally enacted.

2.2 Our response, however, concentrates on the second strand - access to public information for purposes such as those outlined in Table 1 and sections 12-18 of the Green Paper - especially section 17. Here the emphasis should be on facilitating access to information that is already in the public domain where there are barriers currently posed by:

- lack of openness in publication
- absence of suitable finding aids
- failure to provide information necessary for dealing with 'life events'
- over-emphasis on institutional structures rather than citizens' needs

2.3 As is no doubt the case in most if not all Member States, the current situation in the UK is mixed, but there are a number of important policy initiatives in progress that should bring about improvements. These include:

- *Modernising Government* - a recent Cabinet Office policy document which pledges 24-hour access to public services, 'joined up' government, and electronic delivery of all government dealings by 2008.
- *The Future Management of Crown Copyright* - a policy document from Her Majesty's Stationery Office which includes provision for extensive waivers on official copyright and for the establishment of an Information Assets Register, to inform both citizens and publishers of value-added information of what raw data resources are available.
- The New Library Network - a fully funded project to network all public libraries in the UK and provide them with special electronic

content appropriate to library users' needs, including citizenship information.

3 Could the establishment of European metadata help European citizens...?

- 3.1 Certainly it could help, provided it resulted in the creation of finding aids that reflected citizen needs rather than institutional structures and the indexing was professionally carried out. The UK government is taking steps in this direction with the creation of an Information Assets Register, where the intention is that indexing terms reflect ordinary conversational usage, and not simply official terminology. In addition, many European commercial examples already exist in the business, legal and current affairs fields of large quantities of disparate information being indexed to meet the needs of particular groups of users. Two such commercial models are the InfoSort system used by the Dialog Corporation and the database structure created by the Lexis-Nexis service.

4 What bearing do different pricing policies have on access and exploitation of public information?

- 4.1 It is clear from Annex 1 of the Green Paper that policies on pricing public information do vary widely from one member state to another, and we also acknowledge that UK government policy does encourage public bodies to realise their intellectual property assets by identifying and exploiting their tradable information. In some cases, such as national mapping or the production of value-added statistics, the relevant UK agencies would argue that it would not be possible to maintain the range and quality of data that they are able to achieve without the ability to trade vigorously in that data. We did note the comments at the Brussels public hearing on the need to distinguish clearly between natural monopolies - which must be subject to public control - and the government acting as a production centre - in which case it must obey market rules. However there may be a middle way in adopting the principle of Best Value, requiring public bodies always to seek the most cost-effective means of providing services, whether this be by direct provision or through commercial third parties.
- 4.2 However the main consideration as far as public information is concerned is the question of affordable access at the point of use. As paragraph 92 of the Green Paper makes clear, the impact of the Internet on pricing is crucial - particularly as regards its potential to eliminate almost entirely the marginal costs of distributing the information once created. In the UK, we are

trying to strike a balance between maximising access free at the point of use while ensuring that government departments and agencies are able to maintain the range and quality of their information through principles of Best Value. As we explain in section 2.3 above, we are establishing a system of extensive waivers on Crown Copyright in key legislative, regulatory and public information documents, and we are also establishing a mediated communications network for public libraries, which will include the delivery of citizenship information free at the point of use.

- 4.3 There are at least two possible roles for the European Commission here. Firstly, it could establish generic definitions of what constitutes citizenship (or ‘vital’) information and take steps to ensure that such information is delivered free at the point of use by the best practicable means in each member state. A Directive would presumably be the most appropriate instrument for achieving this, but such is the speed of technological development that it would need to be drawn up and enacted very quickly if it were to have any value. Secondly, the Commission could also take steps to ensure that the European Copyright Directive does not hinder or prevent libraries and other mediating bodies from providing citizenship information because of copyright restrictions.

5 To what extent... could public sector bodies... create unfair competition at European level?

- 5.1 Public sector bodies’ activities could create unfair competition if they were providing essential, non-value-added citizenship information less efficiently and less cost-effectively than for example a private sector contractor. It is not sufficient to say that because certain kinds of citizenship information must be free at the point of use then they must necessarily be directly provided by the state at taxpayers’ expense - especially if this results in a worse service for citizens than could be achieved by other means. There are alternative models that can achieve the same result - for example private sector contractor provision funded entirely by advertising or sponsorship, or through the creation of value-added information products that support the baseline citizenship information. We noted at the Brussels public hearing the comment that some smaller member states may not currently have a sufficiently large commercial information market to support models such as these, which would suggest that diversity of provision by best practicable means is the most appropriate way forward.
- 5.2 In these circumstances, the Commission could lay down baseline principles for access to public information, then leaving it to

individual member states to determine best practicable means of provision. Such baseline principles should in our view include the following:

- Matching or exceeding the baseline definition of public or ‘vital’ information.
- Delivered free at the point of use.
- Well signposted.
- Demand-led.
- Provided by the most cost-effective means, whether this be direct state provision, or by a private sector contractor.

6 Do different copyright regimes within Europe represent barriers for exploitation of public sector information?

- 6.1 As Annexe 1 of the Green Paper shows, many member states have abolished official copyright altogether, thereby removing restrictions on exploitation of much - but not all - public information. In the UK, we are adopting a rather different approach, removing many restrictions on Crown Copyright while retaining some measure of control over the integrity of public documents through the use of copyright waivers rather than abolition, and through licensing. But, as speakers at the Brussels public hearing made clear, the issue is not public sector information but ‘public information’ - i.e. information that citizens need in order to pursue their daily lives, irrespective of the institutional means of provision. In these circumstances, differing copyright regimes could create substantial barriers to access. So our comments in section 4.3 apply here too - the Commission’s role should be to establish generic definitions of citizenship information, and ensure that that the European Copyright Directive does not interfere with citizens’ access to that information.

7 Do privacy considerations deserve specific attention...?

- 7.1 Since so much public information is derived from confidential returns by individual citizens and businesses, then privacy issues are clearly important. As we suggested in section 2.1 above, however, it is necessary here to distinguish between Freedom of Information (a citizen’s right of access on demand to internal official documents) and Public Information (information to be made publicly available for use by all citizens as appropriate). We confine our remarks here to Public Information uses only.
- 7.2 Data protection issues are clearly important in the exploitation of public information. One issue that has arisen in the past in the

UK, for example, is the use of electoral registers, allied to Census and other data, by private sector firms for marketing or credit information purposes. Clearly safeguards need to be built in - both as regards the protection of personal privacy (the terms on which access to the data is licensed) and prevention of unwanted correspondence (for example through the use of mailing preference schemes).

7.3 However, there are considerable public benefits to be derived from carefully regulated exploitation of personal or commercial data collected by or on behalf of the state. Such benefits can include:

- adding value to market or social statistics,
- improving the quality of goods or services through better consumer profiling,
- increasing consumer choice.

We therefore feel that a balance needs to be struck between ensuring that data protection rules are fully observed and not raising unnecessary barriers to exploitation of information which can result in benefit to citizens.

8 To what extent may the different... liability regimes represent an obstacle to access or exploitation...?

8.1 We do not feel qualified to comment on this issue, although common sense would suggest that it could represent a barrier to the implementation of any baseline principles that the Commission may decide to lay down for access to or exploitation of public information. Harmonisation of laws would seem desirable here; in the meantime, issues of liability are presumably a matter for the courts to decide on a case-by-case basis.

9 To what extent are the policies pursued by the EU institutions... inadequate?

9.1 On the basis of our experience - supported by a number of speakers at the Brussels hearing - they seem highly inadequate at present, and one role that the Commission could adopt would be as a centre of excellence and a model for member states to follow in the structuring and presentation of their own public information. As far as EU web sites are concerned, for example, there are currently wide variations in:

- quality of site structure (too many sites rely for their navigation of a detailed knowledge of EU institutions);

- internal indexing (there is over-reliance on free text search engines, which return results of widely variable quality);
- server power (a slow or over-loaded server can severely hinder if not prevent access).

9.2 In our view these problems cannot be solved by EU institutions alone. Institutions think institutionally, and citizens do not. Consequently:

- The creation of metadata and finding aids should be left to professional indexers with public consultation.
- Access routes to information should be event-centred and demand-led.
- There should be EU-wide generic minimum standards for what information should be provided.
- Gaps in generic provision of public information should be identified and mechanisms put in place requiring them to be plugged.
- Consideration should be given at all times to access to information for people with disabilities - for example text speech synthesisers used by blind and partially sighted people do not work effectively when a web page includes frames.
- Regard should be had for the most appropriate form in which information should be delivered - e.g. conventional print publication; fax or e-mail distribution for local printing on demand; call centres; different electronic formats such as PDF and HTML on the Web, text, numeric or image files on magnetic disk, or self-contained data on CD-ROM.

10 Which actions should be given priority attention at European level?

10.1 In the light of our responses to the previous questions, we would like to invite the Commission to consider the following issues and actions, in approximate order of priority:

- Establish a clear distinction between freedom of information and citizens' access to public information
- As far as public information is concerned, lay down principles of access, based on demand-led, event-centred information, not presentation according to institutional structures.
- Commission research to identify key 'life events', in order to determine appropriate 'vital information'. (Examples might include: birth; child health & development; school performance and choice; curricular requirements; further and higher education options; labour market regulations; taxation; social security entitlement; business formation; trade regulation/harmonisation; social service provision and entitlement; pensions; health care;

disablement provisions; elder care; death; inheritance and estates regulations.)

- In parallel, map existing provision of public information across member states and identify gaps in coverage and quality of access.
- On the basis of all this data, determine the need for EU legislation, on issues such as minimum standards of public information provision, allied to issues of access, pricing and copyright.
- Meanwhile, commission the professional creation by one or more information specialists of detailed metadata and other finding aids for generic public information and encourage or devise incentives for their adoption across all member states as well as at EU level.

10.2 In addition, we would recommend that certain guiding principles be considered throughout this process. These include:

- Regard for continuing developments in networked electronic data, and for 'future proofing' in the light of technological developments (e.g. the growth of interactive digital television).
- Regard for the need for mediated access, through whatever institutions are appropriate for each member state. Mediated access points could include: libraries; advice centres; town halls; schools; community centres; post offices; social security offices; chambers of commerce; call centres; one stop shops/guichets uniques; kiosks.
- Recognition of the sophistication of both the information profession and the commercial information industry in devising solutions to public information provision.
- Recognition that best value and best practicable means may be obtained through private sector provision as well as provision by the state.
- While establishing the principle of right of access free at the point of use to citizenship information, recognition as well of the potential benefits of commercially produced value-added information services.

11 Conclusion

11.1 We would like finally to support the opinion of several speakers at the Brussels hearing that the need for action in this field is urgent. Especially in the United States, technological and networking developments are moving very quickly - quite possibly faster than legislators can keep up with. In order to ensure that public information provision in Europe develops in ways appropriate to European citizens' needs, decisions on future priorities and actions need to be not only well informed but also rapid.

- 11.2 We hope you find our comments of value in helping the Commission determine the best way forward for the equitable provision of public information to citizens throughout the European Union. If you would like to pursue further any of the issues raised in this response document, please make contact in the first instance with:

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