Office of the Minister of Finance

Expenditure Control Committee

OPEN GOVERNMENT

Proposal

1. This paper proposes that Cabinet approve a declaration endorsing open and transparent government and a programme to actively release government's high value public data[1] for re-use. It also refreshes principles for managing all government held data and information.

Executive Summary

2. New Zealand has a strong history of open and transparent government that is internationally recognised. Greater openness is needed to maintain that credibility, keep pace with international developments, and meet increasing public expectations. Evidence also suggests that making useful public data available for re-use has widespread benefits to government, industry and the public. At the same time, technological and cultural advances make it cheaper and easier to do.

3. The proposals in this paper are expected to help create value from innovative re-use of government data, build more effective government and strengthen public trust in government.

4. The proposals also refresh information management principles approved by Cabinet in 1997 that relate to all government held data and information. These principles continue to be based on existing legislation and government practice and set the exemplar for agencies for managing all the information they hold on behalf of the public.

5. The paper proposes a culture shift within government: that agencies actively move towards making public data available for re-use, based on tests of high value and user demand. This release will be consistent with the Official Information Act 1982 and licensing will be based on the New Zealand Government Open Access and Licensing framework (NZGOAL).

6. While agencies will be required to commit to releasing their data, they will have autonomy to decide what they release and how they incorporate this into their core business activities. The paper has wide support from agencies.

Background

Meeting increased expectations

7. Government produces, holds and owns traditional information in many forms including publications, commissioned reports, images and film footage. It also holds

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[1] Public data refers to non-personal and unclassified data.

multiple datasets, including data on government performance (financial and otherwise), transactional data, scientific datasets, and collections of official statistics.

8. The internet and new technologies are fundamentally changing the economy, affecting our culture and transforming society. Their impact on government is equally profound as public expectations for openness and transparency increase. As well as working with traditional government information, the public, business and agencies want to be more actively engaged. They want to help improve government performance, re-use government's public data in new and innovative ways to create economic, environmental and social benefits; and they want greater opportunities to participate in government, for example, in policy development.

9. This places a clear responsibility on government. It must manage all the information it holds on behalf of the public to a very high standard, and it must have sound processes for releasing the data that the public expects to access and re-use.

International context

10. Many overseas governments and international organisations have released statements of commitment and direction on open and transparent government and open data and information[2]. They are generally based on three key principles: informing, engaging and participating.

11. Governments' approaches for implementing these statements have some common themes that are already reflected in New Zealand:

   a. principles and frameworks for managing all government-held information[3];

   b. directories or portals of open government data released for openness and transparency purposes or for re-use[4];

   c. licensing and open access frameworks supporting increased release of non-personal copyright works and non-copyright materials for re-use[5]; and

   d. initiatives to encourage innovative re-use by third parties to build business and economic growth and social entrepreneurship[6].

Current cross-government work programme

12. Since late 2008, the Data and Information Re-use Chief Executives Steering Group[7] has been leading a cross-government work programme to make government held data and information more widely available, discoverable and easy to use.

13. This programme is now giving effect to a wider mandate to support open and

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[2] Examples are the US Federal Government, Australian Federal Government, European Ministers and the UK Government.

[3] Examples are Australia and Canada.

[4] 17 jurisdictions have data websites or directories, including the US, UK, Australia, and Canada. Hong Kong and the European Union have launched or announced new portals or directories in 2011.

[5] Most recently the UK and Australian Federal governments.

[6] Such as the New Zealand Mix & Mash competition held in 2010, and similar competitions in the US, UK, and Australia.

[7] Membership: Colin MacDonald (Land Information New Zealand), Murray Bain (Science & Innovation), Geoff Bascand (Statistics New Zealand), David Noble, (Parliamentary Counsel Office), Paul Reynolds (Environment), Karen Sewell (Education), Debbie Chin (Standards New Zealand) and Stephen Crombie, (for Department of Internal Affairs).

transparent government. Direction Two of the *Directions and Priorities for Government ICT,* to support Open and Transparent Government (CAB Min (10) 35/5A refers), sets three priority areas of focus:

    a.   improve public access to government data and information;

    b.   support the public, communities and business to contribute to policy development and performance management; and

    c.   create market opportunities and services through the re-use of government data and information.

14.   This stage of the work programme focuses on the 'informing' principle of open government, and not on engagement or participation.

15.   This work includes refreshing the Policy Framework for Government Held Information, the 1997 set of principles governing the management of all government held data and information[8].

Progress so far

Making information available

16.   Since 2009, government has been setting clear expectations for agencies to take advantage of new technologies to release both data and information more actively.[9] This is a natural progression of the principle of availability in the Official Information Act 1982 and a recognition that the public wants to engage with and participate in government processes.

17.   There has been patchy implementation of these expectations. The best results have occurred when easy to follow guidance is provided, openness is embedded in the culture of an organisation, or when release is mandated. Successes include the New Zealand Government Open Access and Licensing framework (NZGOAL) guidance, the active release of Chief Executives' expenses and data release to encourage external expert engagement with a policy consultation[10].

18.   Government's investments in the Official Statistics System and in research through Vote Science and Innovation show increasing commitment to this approach.

Responding to external demand for data

19.   The pilot online data directory, data.govt.nz, lists data released on agency websites. Some 594 dataset listing pages represent data from 134 different government agencies across the public sector. Listed datasets have been made available for the purposes of government transparency and/or for re-use. They include geospatial and

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[8]   http://www.ssc.govt.nz/Documents/policy_framework_for_Government_.htm.

[9]   For example: Cabinet Office guidance on releasing Cabinet papers on the Web (CO Notice (09)), The *Digital Continuity Action Plan* that secures public access to digital information now and in the future; New Zealand Open Access and Licensing framework (NZGOAL) (CAB Min (10/24/5A)); an updated Copyright Standard in the *Government Web Standards*; maximising research data re-use has been written into Crown Research Institutes' Statements of Core Purpose; Statistics New Zealand's proposal to amend the Statistics Act to increase access to micro-data for research; and the Law Commission's consideration of proactive release of information as part of their review of the Official Information Act 1982.

[10]   Such as for the Ministry for the Environment's consultation on the National Environment Standard for Plantation Forestry.

environmental, financial accountability, and demographic data. Other specialist directories are sharing data with data.govt.nz, for example, geospatial.

20. Business, local government, other government agencies and the public can now request and vote for datasets[11] on the data.govt.nz directory.

21. Business entrepreneurs are using data to develop innovative products and services, and create opportunities for new partnerships with government[12.] There are also instances of re-use and remix resulting in new economic opportunities and policy directions[13.]

22. The scientific and research communities are adopting new practices and technologies that enable data to be mobilised, shared and re-used to generate new insight and research

23. Demand is growing within central government for better coordinated access to government's data to respond to issues such as the Christchurch earthquakes and the Auckland Plan.

24. Demand is also increasing for high value information held by local government[14] and the state sector, for example, from Quotable Value. Local authorities and state sector agencies release their data for re-use using differing approaches. Many local authorities have considered or are considering business cases for developing information databases for public access with a view to charging on a user-pays basis. Others are proposing to make information freely available. A small number of councils have determined that there is insufficient demand to make a user-pays approach financially viable and have decided to make it freely available.

Proposed Actions

25. Actively releasing government's high value data to meet demand elevates government's commitment to openness and transparency.

26. These proposals seek to build agencies' buy-in and capability to respond to external and cross-agency demand for public data, to collaborate with users of government data, showcase results, and build active release into agencies' operational and policy processes and systems.

27. Three key elements are proposed:

   a. a motivational *Declaration on Open and Transparent Government*, which a Minister may wish to announce;

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[11] For example, LandCheck.org.nz House Status in geospatial format, NZ Historic Places Trust register, property and rating valuation data.

[12] Using climate data to launch a commercial service to optimise housing insulation spend at a suburb by suburb level; Zoodle mixes property, school zones and real estate information; Koordinates manage central and local government geospatial information; Mytoursapp.com turns city walks, museum tours and audio guides into an iPhone application; and NZTA road and traffic data is integrated into web sites and mobile applications by AA, the MetService and Yahoo! to help people plan travel and freight operations. A series of case studies is being prepared for release.

[13] Using GNS data to attract foreign petroleum exploration in New Zealand; mashing up hospital admissions and Environment Canterbury air particulate data to change air quality policy in Canterbury.

[14] Aerial photography released by four Northland Councils on the Koordinates website is being used by farmers for sustainable land use planning and for purposes as diverse as flight simulator scenery design; SwimWhere is a site and mobile application harvesting water quality data from some councils to show where people can swim safely; and real time public transport data in Canterbury is being used in private sector developed mobile applications to help people plan their travel..

b.   a refreshed set of *New Zealand Data and Information Management Principles* providing the examplar for high quality management of all the information government holds on behalf of the public; and

c.   a programme of implementation guidance and advice to assist agencies as they incorporate the release of high value public data into their core business, sponsored by the Data and Information Re-use Chief Executives Steering Group.

28.   The proposed *Declaration on Open and Transparent Government*, attached as Appendix One, spells out the government's commitment to openness and transparency, in line with similar commitments by other governments, including the US and Australia[15].

29.   The proposed *New Zealand Data and Information Management Principles*, attached as Appendix Two, replace the *Policy Framework for Government held Information*, (CAB (97) M 15/4C(i) refers):

a.   The proposed principles are consistent with 21st century government information management practices. They continue to be based on the Official Information Act 1982 and other legislation and government practice[16], and apply to all data and information held by government.

b.   They state that government data and information should be open unless there are grounds for refusal or limitations. Government data and information must be trusted and authoritative, well managed, readily available, without charge where possible, and reusable. Personal, confidential and classified data and information must be protected. Each principle and its description is set out in Appendix Two;

c.   They are guiding principles which are complemented by other domain principles and codes of practice, for example, the Official Statistics System principles and protocols, and the Health Information Privacy Code.

30.   If these proposals are approved by Cabinet:

a.   public service and non-public service departments[17] will be directed to adopt the declaration and principles, and commit to and release high value public data within specified timelines and in accordance with the declaration and principles;

b.   State Services agencies will be encouraged to adopt the declaration and principles and commit to and release high value public tax-payer funded data actively for re-use;

c.   State sector agencies will be invited to adopt the declaration and principles and commit to and release high value public tax-payer funded data actively for re-use;

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[15]   http://agimo.govspace.gov.au/2010/07/16/declaration-of-open-government/; http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf.

[16]   Official Information Act 1982, Privacy Act 1993, Copyright Act 1994, Public Records Act 2005, Statistics Act 1975, OECD Council's *Recommendation for Enhanced Access and More Effective Use of Public Sector Information,* endorsed by OECD Ministers in June 2008*, [C(2008)36], OECD Policy Guidance for Digital Content, NZGOAL, Directions and Priorities for Government ICT, 2010.*

[17]   Office of the Clerk of the House of Representatives, New Zealand defence Force, New Zealand Police, New Zealand Security Intelligence Service, Parliamentary Counsel Office, Parliamentary Service.

    d.   the Minister of Local Government will be invited to write to local authorities and Local Government New Zealand to inform the local government sector of the government's proposals and encourage them to take a similar approach; and

31.   Departments will be directed to report back annually to Ministers with their plans to actively release high value public data starting in March 2012. The Data and Information Re-use Chief Executives Steering Group will also report the aggregate plans to the Ministerial Committee on Government ICT annually from March 2012.

32.   Whilst agencies will have to meet a timeline for committing to this activity and reporting on progress, they will have autonomy to decide how they incorporate this activity into their core business activities.

Guidance and Advice

33.   The Data and Information Re-use Chief Executives Steering Group will provide guidance and advice which will assist Chief Executives and agencies as they incorporate adoption of the declaration and the principles into their core business activities. Initially it will document existing advice within the public sector and draw up a programme to address gaps and risks identified, and measure benefits.

34.   The protection of data for which there are grounds for refusal or limitations under the Privacy Act 1993, the Official Information Act (OIA) 1982, the Statistics Act 1975 or other grounds directed by government[18], is paramount under this work programme. NZGOAL also sets out a clear list of potentially relevant restrictions and provides advice on the importance of anonymising datasets which may contain personal information. Processes to prevent unintentional release of personal or classified data when using automated processes will be necessary.

Benefits

35.   Targeted release of government's high value data is expected to:

- stimulate economic growth and increase the value of government data through the development of new products, services and businesses;

- assist educational, research and scientific communities to build on existing data to gain knowledge and expertise and use it for new purposes, and increase the value derived from publicly funded research data;

- increase the quality of government policy development through external insights on and expert analysis of supporting data;

- increase the performance of the public sector through efficiency gains from cross agency use and re-use of agencies' data, increasingly through machine to machine consumption of data; and create new opportunities for service enhancement;

- better align central, regional and local government programmes and business initiatives through a coordinated national view of government data;

- create more effective government through more external engagement;

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18   Examples are the NZ Information Security Manual, 2010 and the Cyber Security Strategy, 2011.

- strengthen trust in government by increasing transparency and allowing external scrutiny; and

- lead to a reduction in OIA requests through active release of government data.

36. Evaluation of benefits will be incorporated in the cross-government work programme.

Implications

37. Many service delivery or transaction-based agencies primarily working with personal data are only starting to open up high value public data for re-use and transparency purposes. While these agencies may have less to release, they do hold public data of value. Information-intensive agencies already actively releasing their data may have established processes which they could share with others moving into this activity.

38. All agencies will need to develop a methodology for incorporating regular release of data into their core business planning and operations. Their ongoing reviews of business models and channel delivery options may already have identified public re-use and cross-agency data sharing as future core activities.

39. Agencies may need to reprioritise or reallocate resources to prepare rationales which consider efficiency gains, increase of productivity and benefits over a period of years. They may develop different approaches for addressing re-use and transparency.

40. While it may be difficult in some cases to predict precisely the intended or serendipitous benefits that will come from data release, demand[19] by the public and other agencies is likely to be a strong indicator of the potential value.

41. For data in existing systems, agencies may need to consider small scale release in order to identify through actual re-use and ongoing demand which sets of data deliver the most value and any resourcing and process impacts. This iterative approach could be applied before committing significant expenditure to establishing any large scale data services.

42. Case studies of re-use will seek to understand any issues confronted, lessons learned and also provide examples of where significant unrealised value lies.

43. When developing new information systems, agencies can lower the cost of data release by factoring it into their planning and implementation.

44. Some agencies will be able to undertake this work within baselines. Others may need additional funding based on a business case of the significant benefits of release compared with the resources required to release data.

45. Some agencies may need to reinforce or introduce improved data collection, management, cleansing and proactive release processes. A national spatial data infrastructure is being developed to assist agencies to release their geospatial data. There is an opportunity to learn from those who have already factored in and costed regular data release for re-use into their business activities. The barriers to release are also increasingly well understood. The proposed guidance programme will cover these.

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[19] The dataset request register on data.govt.nz is likely to assist in assessing demand.

46. New Zealand is a small jurisdiction compared to other countries that have open government programmes. There is some risk that inappropriate linkages may be made across unrelated datasets whereby entities, such as businesses, families or individuals may be identified. Agencies will be alerted to avoid this risk and implementation monitored to ensure that such linkages are avoided and risks minimised.

47. It is noted that local authorities operate independently from central government. They are accountable to their communities, rather than to Ministers. Any approach involving local government will need to reflect different local circumstances, the resources available to each council and community preferences on how local funding is spent. For these reasons, the local government sector will be informed of central government's initiative and participation invited where local authorities consider this is appropriate.

Consultation

48. The proposals in this paper were prepared in consultation with all public service departments, as well as New Zealand Police, New Zealand Defence Force, the Parliamentary Counsel Office, the Offices of the Privacy Commissioner and Ombudsmen, the Law Commission, and open data advocates from the private sector[20]. The Department of the Prime Minister and Cabinet has been informed.

49. This paper was prepared by the Open Government Information and Data Re-use Secretariat and Working Group[21] and overseen by the Government Data and Information Re-use Chief Executives Steering Group and Land Information New Zealand. It is being sponsored by the Minister of Finance in his role as Chair of the Ministerial Committee on Government ICT.

Financial implications

50. The approach outlined in this paper may have cost implications in terms of planning and implementation. Each agency has autonomy in applying the direction and factoring compliance costs into business priorities. Business cases will be submitted when additional expenditure is required, based on the test of high value.

Human rights, legislative implications, regulatory impact analysis, gender and disability implications

51. These proposals give rise to no human rights issues, under either the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993, or to legislative, regulatory impact analysis, gender or disability implications.

Publicity

52. The Data and Information Re-use Chief Executives Steering Group will oversee a number of communications activities if Cabinet approves these proposals. These will

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20 Members of Open NZ, a community representing open data advocates and users from the private sector, participated in a wiki discussion over May and attended a workshop with officials on 18 May 2011 to discuss the draft principles.

21 Representatives from Archives New Zealand (DIA), Education Sector, Government Information Services (DIA), Land Information New Zealand, Ministry for the Environment, Ministry of Justice, Ministry of Health, Ministry of Science and Innovation, Ministry of Social Development, National Library (DIA), Office of the Government Chief Information Office (DIA), Parliamentary Counsel Office, and Statistics New Zealand.

promote the proposed declaration, principles and the programme of guidance and advice.

53. The proposed *New Zealand Data and Information Management Principles* will be released with contextual and complementary sets of principles and protocols, such as those for the production of official statistics.

Recommendations

54. It is recommended that the Expenditure Control Committee:

   1. **Note** that Cabinet has supported open and transparent government through Direction Two of the *Directions and Priorities for Government ICT*, and open access and licensing of non-personal government materials through the *New Zealand Government Open Access and Licensing framework* (NZGOAL).

   2. **Note** that this support provides the direction for the cross-government work programme led by the Data and Information Re-use Chief Executives Steering Group.

   3. **Note** the cross-government data and information work programme is driving innovative initiatives between business, communities and government as sought in the *Directions and Priorities for Government ICT*.

   4. **Note** the anticipated benefits from active release of government data.

   5. **Agree** to the *Declaration on Open and Transparent Government* and supporting *New Zealand Data and Information Management Principles*.

   6. **Rescind** the Policy Framework for Government Held Information (CAB (97) M 15/4C(i) refers).

   7. **Direct** all public service and non-public service departments, **encourage** State Services agencies and **invite** State Sector agencies to commit to releasing high value public data actively for re-use, in accordance with the declaration and principles, and in accordance with the NZGOAL Review and Release process.

   8. **Direct** Chief Executives to discuss their plans to actively release public data with portfolio Ministers.

   9. **Invite** the Minister of Local Government to write to local authorities and Local Government New Zealand informing the local government sector of the proposals in this paper and encouraging councils, where they consider it appropriate, to take a similar approach.

   10. **Note** that the Data and Information Re-use Chief Executives Steering Group will sponsor and lead a work programme of guidance and advice to support this activity.

   11. **Note** that the Data and Information Re-use Chief Executives Steering Group will report the aggregate plans annually to the Ministerial Committee on Government ICT.

12. **Agree** that this Cabinet paper and accompanying Cabinet minute be released publicly.

Hon Bill English
Minister of Finance

../../2011

Appendix One

Declaration on Open and Transparent Government

Building on New Zealand's democratic tradition, the government commits to actively releasing high value public data [22].

The government holds data on behalf of the New Zealand public. We release it to enable the private and community sectors to use it to grow the economy, strengthen our social and cultural fabric, and sustain our environment. We release it to encourage business and community involvement in government decision-making.

Through this commitment New Zealand citizens and businesses can expect a more efficient and accountable public sector, more services tailored to their needs, and a greater level of participation in shaping government decisions.

Releasing government data will help create the conditions that align central, regional and local government programmes and business initiatives.

By actively releasing taxpayer funded data we will assist educational, research, and scientific communities and the public to collaboratively build on existing data to gain new knowledge and apply it.

To support this declaration, the government asserts that the data and information it holds on behalf of the public must be open, trusted and authoritative, well managed, readily available, without charge where possible, and reusable, both legally and technically. Personal and classified data and information must be protected.

Public service and non-public service departments are directed and State Services agencies encouraged to commit to the release of high value public data for re-use in accordance with the declaration and principles. State Sector agencies and territorial and regional Chief Executives are also invited to participate in this initiative. Agencies are asked to regularly report to Ministers on their progress.

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[22]   Public data refers to non-personal and unclassified data.

New Zealand Data and Information Management Principles	
Principle	**Description**
Open	Data and information held by government should be open for public access unless grounds for refusal or limitations exist under the Official Information Act or other government policy. In such cases they should be protected.
Protected	Personal, confidential and classified[23] data and information are protected.
Readily Available	Open data and information are released proactively and without discrimination. They are discoverable and accessible and released online.
Trusted and Authoritative	Data and information support the purposes for which they were collected and are accurate, relevant, timely, consistent and without bias in that context. Where possible there is an identified authoritative single source.
Well Managed	Data and information held and owned by government: • effectively belong to the New Zealand public • are a core strategic asset held by government as a steward on behalf of the public; and • should only be collected or generated for specified public policy, operational business, or legislative purposes. Agencies are stewards of government-held data and information and must provide and require good practices which manage the data and information over their life-cycle, including catering for technological obsolescence and long-term preservation and access. Good practices also include collaborating with other agencies and the public, facilitating access, strengthening awareness, and supporting international cooperation. Agency custodians must implement these practices on a day-to-day basis.
Reasonably Priced	Use and re-use of government held data and information is expected to be free. Charging for access is discouraged. Pricing to cover the costs of dissemination is only appropriate where it can be clearly demonstrated that this pricing will not act as a barrier to the use or re-use of the data. If a charge is applied for access to data, it should be transparent, consistent, reasonable and the same cost to all requestors.
Reusable	Data and information released can be discovered, shared, used and re-used over time and through technology change. Copyright works are licensed for re-use and open access to and re-use of non-copyright materials is enabled, in accordance with the New Zealand Government Open Access and Licensing framework. Data and information are released: • at source, with the highest possible level of granularity • in re-usable, machine-readable format • with appropriate metadata; and • in aggregate or modified forms if they cannot be released in their original state. Data and information released in proprietary formats are also released in open, non-proprietary formats. Digital rights technologies are not imposed on materials made available for re-use.

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[23]   As defined in the Guidelines for Protection of Official Information at http://www.gcsb.govt.nz/newsroom/useful-docs/Guidelines_for_Protection_of_Official_Information_Wallchart.pdf.