Policy Recommendations

**Recommendation 1** – James Love, Knowledge Ecology International
Governments should routinely solicit public comments, asking if changes in the ways that data is collected, stored and disseminated would be useful, and why.

**Recommendation 2** – James Love, Knowledge Ecology International
Governments should store and disseminate data in formats that follow open standards that can be implemented by multiple applications on multiple operating systems.

**Recommendation 3** – James Love, Knowledge Ecology International
Governments should support the development of tools and platforms for databases that are based upon user generated data elements.

**Recommendation 4** – James Love, Knowledge Ecology International
The development of databases that rely upon user generated data should include processes of consultation to allow discussion of possible uses and future extensions of the database, interoperability, and other issues of interest to the public and potential users of the database platform.

**Recommendation 5** – James Love, Knowledge Ecology International
Government agencies need to develop better database tools to facilitate transparency of private sector contacts and communications with high level government officials.

**Recommendation 6** – James Love, Knowledge Ecology International
Governments should maintain databases of private sector employment before and after agency employment, to inform the public about revolving door issues.

**Recommendation 7** – James Love, Knowledge Ecology International
All new drug registrations should include disclosure of (a) all clinical trials, and the results of those trials, (b) the costs of conducting those trials including total costs and cost per patient.

**Recommendation 8** – James Love, Knowledge Ecology International
Companies selling drugs should be required to report national and global sales for the product, in units and revenue.

**Recommendation 9** – James Love, Knowledge Ecology International
The development of databases is expensive. Many databases have global audiences. The WTO should undertake work on an agreement to address the supply of global public goods. This agreement should include, among other things, commitments to collaborate in the development and funding of databases that are global public goods.

**Recommendation 9** – Rufus Pollock, University of Cambridge
Make digital upstream non-personal PSI available at marginal cost (i.e. zero).
Recommendation 10 – Rufus Pollock, University of Cambridge
Pay for production and maintenance either out of general government revenue, or more attractively, out of charges on "creators" or "updaters" of the data.

Recommendation 11 – Rufus Pollock, University of Cambridge
Create a proper regulatory authority responsible for oversight of PSI provision, maintenance and pricing.

Recommendation 12 – Tom Steinberg, mySociety
Free your data, especially maps and other geographic information, plus the non-personal data that drives the police, health and social services, for starters. Introduce a ‘presumption of innovation’ – if someone has asked for something costly to free up, give them what they want: it’s probably a sign that they understand the value of your data when you don’t.

Recommendation 13 – Tom Steinberg, mySociety
Give external parties the right to interface electronically with any government or mainly public system unless it can be shown to create substantial, irrevocable harm. Champion the right fiercely and punish unjustified refusals with fines. Your starting list of projects should include patient-owned health records, council fault reporting services and train ticket sales databases. All are currently unacceptably closed to innovation from the outside, and obscurity allows dubious practices of all kinds to thrive.

Recommendation 14 – Michael Nicholson, PSI Alliance
The State should only be concerned with defining what information it requires for good government and procuring it. It should not seek to provide it itself.

Recommendation 15 – Michael Nicholson, PSI Alliance
“What is PSI” should be decided by an independent committee having regard to Statutory obligations, whether the information was self-evidently central to the purpose of government and whether the private sector had shown itself unable or unwilling to provide the information, for example because it is uneconomic to do so. The boundaries must be clear between what is PSI and what is not.

Recommendation 16 – Michael Nicholson, PSI Alliance
The State should continue to own PSI, particularly those which are Statutory in nature (such as land ownership, company or planning records) but this is not the same thing as developing and maintaining the PSI itself.

Recommendation 17 – Michael Nicholson, PSI Alliance
Whilst fee-based charging for a service and related material (eg a planning application) should continue, PSI should be available at the marginal cost of distribution. This has a number of immediate benign effects, probably the most important of which is that it encourages the State to ration PSI to what it really needs for good government and to fulfil its statutory duties – and at minimum cost. The second most important effect is that the terms of PSI licensing will be such that re-use by the private sector and individuals is genuinely encouraged creating innovation and enterprise. In addition, the current internal PSI licensing complexities that bedevil the public sector would largely be eradicated.
Recommendation 18 – Michael Nicholson, PSI Alliance

However, if government policy remains that the State should itself own, maintain and exploit its PSI then government will be obliged either to accept that re-use trading terms will be unfair or it must manage some complex consequences as follows:

1. It must completely separate all PSI providers exploiting data into upstream (basic provision/raw data) and downstream (commercial/added value) arms and ensure that the private sector can acquire upstream data on similar terms to the PSI provider’s commercial arm;
2. It must still decide what PSI it needs for good government and clearly state what the boundaries are;
3. It must put in place proper accounting practices so that products can be genuinely costed on an individual basis and without the cross-subsidisation which occurs at present;
4. It must separate the advice to government received from PSI providers from their commercial interests. Currently advice to government, for example in the UK and France, is conflicted;
5. It must create a substantial Regulatory regime that works. Many of the difficulties that confront re-users of PSI relate to fair competition. Competition Regulators have shown themselves reluctant to take action against their own Governments (except Sweden) and, whilst in the UK we are fortunate to have OPSI, OPSI has limited sanctions to take against offenders and those which it has are unwieldy.

Recommendation 19 – Brian Fitzgerald, QUT

Develop a best practice information policy – support through OECD, EU and WTO.

Recommendation 20 – Brian Fitzgerald, QUT

As the OECD suggests, require open access to PSI suitable for public distribution – through open content licences and sensible pricing (limited to cost of dissemination? Internet – as close as possible to zero?).

Recommendation 21 – Brian Fitzgerald, QUT

Support with a legal and technical approach that promotes rather than inhibits innovation.

Recommendation 22 – Brian Fitzgerald, QUT

Enable Real Time Access to PSI

Recommendation 23 – Naomi Korn, JISC SCA Consultant

Public sector bodies should be provided with legal certainty to allow them to use orphan works together with due diligent searches without incurring risks or legal penalties

Recommendation 24 – Naomi Korn, JISC SCA Consultant

Copyright exceptions should be fit for the digital age.

Recommendation 25 – Naomi Korn, JISC SCA Consultant

Copyright exceptions need to be enshrined in law and not over-ridden by contracts.

Recommendation 26 – Pierre Guillaume Wielezynski, World Food Programme

Public sector organizations should embed existing information sharing standards in their publishing processes to better structure and distribute data with a focus on simplicity and incremental improvements. Faster is better than better.
**Recommendation 27** – Simon Field, Office of National Statistics
Promote SDMX as a key international standard that can help harmonise public sector statistical data.

**Recommendation 28** – Ton Zijlstra and James Burke, Open Government Data consultants
Pay attention to which government datasets are in high demand and invite citizens and organisations to stipulate what kinds of information they are interested in re-using.

**Recommendation 29** – Ton Zijlstra and James Burke, Open Government Data consultants
Build relationships between civil servants and existing community networks of people interested in re-using government data.

**Recommendation 30** – Ben White, British Library
Building on the Green Paper "Copyright in the Knowledge Economy", in order to make the most of developments in technology, support the public interest as well as Europe's global competitiveness, the European Commission should focus on the economic, social and cultural importance of exceptions in the next European Parliament.

**Recommendation 31** – Ben White, British Library
The Database Directive does not allow the over-riding of copyright law by private contract. However copyright law in most EU member states is over-ridden by contract law. The Commission should bring the Copyright Aquis in line with the Database Directive to ensure that the public interest is not undermined by private contract.

**Recommendation 32** – Ben White, British Library
Legally guaranteed digital preservation, and digital access to this content for educational, scientific and research purposes, should be a pillar of the European Copyright Aquis.

**Recommendation 33** – Ben White, British Library
Much of the historical material sitting in European libraries is currently not available commercially, compounded by varying levels of "Orphan Works" (copyright works whose rightsholders cannot be located). To prevent a digital "black hole of the 20th century" an exception in copyright law for Orphan Works is required to give cultural sector bodies legal certainty when digitising historical material. Incentives for rightsholders to digitise their works independently, or in collaboration with the cultural sector, is needed to give networked access to the European cultural inheritance.

**Recommendation 34** – Tom Moritz, Internet Archive
Free and open access and use should be a default setting. Restrictions on access should require special justification.

**Recommendation 35** – Paul Gerhardt, Archives for Creativity
Recognise public ownership of licence fee funded archives

**Recommendation 36** – Paul Gerhardt, Archives for Creativity
Develop new business models to compensate talent rights

**Recommendation 37** – Mathias Schindler, Wikimedia Deutschland e.V.
Media files that are created with public funding should be released to the public under a free license.

**Recommendation 38** – Mathias Schindler, Wikimedia Deutschland e.V.
Preferred licenses are Creative Commons Attribution Sharealike which ensure that media files remain freely available to the public and Creative Commons Attribution to a slightly lesser extent.
**Recommendation 39** – Mathias Schindler, Wikimedia Deutschland e.V.
In order to facilitate the release of media collections, freely available and up-to-date authority files are needed. Libraries should release them under free licenses.

**Recommendation 40** – Mathias Schindler, Wikimedia Deutschland e.V.
The release of files with slightly reduced resolution can be an acceptable temporary solution to preserve traditional sources of income for archives.