

<b>Body:</b>	AUDIT COMMITTEE
<b>Date:</b>	14 MARCH 2012
<b>Subject:</b>	Code of Recommended Practice for Local Authorities on Data Transparency
<b>Report Of:</b>	Internal Audit Manager
<b>Ward(s)</b>	All
<b>Purpose</b>	To inform the committee of the requirements of the Code of Recommended Practice for Authorities on Data Transparency.
<b>Recommendation(s):</b>	That the committee adopts the requirements of the Code of Recommended Practice for Authorities on Data Transparency.
<b>Contact:</b>	Jackie Humphrey, Internal Audit Manager, Telephone 01323 415925 or internally on extension 5925. E-mail address jackie.humphrey@eastbourne.gov.uk

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## **1.0 Introduction**

- 1.1. The Transparency Agenda is part of the Government's plan to enable the Big Society. Transparency is seen as the foundation of accountability with local people being able to hold public bodies to account over how Council Tax is spent.
- 1.2. Guidance that was originally published on the Department of Communities and Local Government website required only that the following information was published:
  - Payments over £500
  - Senior management salaries
  - New contracts and tenders
- 1.3. However, the move in Transparency is to publish more information. The Information Commissioner has stated "Transparency is not just about what the authorities choose to reveal to citizens; but what citizens have a right to ask to see".
- 1.4. In February consultation began on a draft Code of Recommended Practice for Local Authorities on Data Transparency and the final document was published on 29<sup>th</sup> September.

## **2.0 Overview of the Code**

- 2.1. The Code will require the Council to be more proactive in publishing data that it has available.
- 2.2. There is an expectation that councils will publish much more, over and above the minimum requirements.

- 2.3. As well as publishing the data and maintaining a publication scheme, councils will have to produce inventories of the public data they hold and this needs to be registered on data.gov.uk.

### **3.0 The Code**

- 3.1. The Code sets out key principles for local authorities in creating greater transparency through the publication of public data. The intention is that following the Code should help local authorities to meet these obligations to achieve the routine publication of more data to enhance accountability to the public.
- 3.2. It is made clear that greater transparency of public bodies is at the heart of enabling the public to hold politicians and public bodies to account.
- 3.3. "Public data" means the objective, factual data, on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of service delivery.
- 3.4. Principles

The Code links three principles which it states should underpin local authority decisions on the release of public data. Local authorities should respond to best practice as it develops. This requires a proactive approach to review and pursue higher standards.

i) Demand led

- a) Local authorities should understand what public data they hold, what their communities want and then release it in a way that allows the public, developers or the media to use it.
- b) Local authorities must comply with the requirements in the Freedom of Information Act to operate a publication scheme.
- c) Local authorities should build and maintain an inventory of the public data held.
- d) Inventories (as c above) should be registered with data.gov.uk.
- e) Minimum public data to be released – see action plan attached.

ii) Open

- a) Provision of public data should become embedded and its availability promoted and publicised.
- b) Public data should be published in a format and under a licence that allows reuse (i.e. Open Government Licence)
- c) Public data should be published in open and machine-readable formats.
- d) Strong internal controls should be in place to reduce the risk of any payment fraud as a result of publishing public data.

iii) Timely

- a) Data should be published as soon as possible following production and, where practicable, local authorities should seek to publish in real time.
- b) Data should be as accurate as possible at first publication.
- c) Where errors are discovered or files changed for other reasons, revised information should be published making it clear where and how there has been an amendment.

3.5. All of the above must be done whilst bearing in mind the provisions of the Data Protection Act.

#### **4.0 Government's Next Steps**

4.1 "Making Open Data Real – A Public Consultation" was published in August. In this document "Transparency" is being referred to by the new term "Open Data".

4.2 This consultation was running from 4<sup>th</sup> August to 27<sup>th</sup> October and was asking the public to give their opinions on the following points:

- An enhanced right to data – how to establish stronger rights for individuals.
- Setting Open Data standards – what would these look like?
- Corporate and personal responsibility – how would public service providers be held to account for delivering Open Data?
- Meaningful Open Data – how should collection and publication of most useful data be ensured?
- Government sets the example – how can workings of government and public sector be made as open as possible?
- Innovation with Open Data – what is the role of government to stimulate enterprise and market making in the use of Open Data?

4.3. This document is also championing the publishing of raw data – data which has not been manipulated in any way.

4.4. A summary of the responses received has been published on the Cabinet Office website. However in terms of the next steps for the government all that is stated is that "throughout 2012, the Government will set out its strategic vision for the agenda and its response to the evidence submitted to the consultation".

#### **5.0 Council's Position**

5.1 Work has been ongoing with implementing requirements for transparency as they have been published and there is already a Transparency page on the Council's website where data is being published.

5.2 A review of the Council's progress against the original requirements of the Transparency Agenda was carried out in September. An assurance level of "Performing Well" was given. A follow up review has recently been carried out and of the eight recommendations originally made six have been addressed, one

is ongoing and the last has been superseded by a requirement of the Localism Act 2011.

5.3 A small group of officers are now working together to ensure that the progress continues and to monitor any new requirements for the publication of data.

5.4 A report has been taken to CMT and a gap analysis of the Council's position compared to the requirements of the Code of Recommended Practice for Local Authorities on Data Transparency is being undertaken. Once completed an action plan to address any shortfalls will be produced. The table at Appendix A shows the requirements and the Council's position to date.

5.5. It is therefore considered that the Council is currently addressing the requirements of the Code of Recommended Practice and is prepared to move forward with identifying other information which can be published.

5.6. Two caveats should perhaps be raised and these are that, firstly, Data Protection must be considered when publishing data and it must be ensured that any personal data is redacted. Secondly, it has already been noted that since the publication of expenditure over £500 frauds are being perpetrated whereby authorities are receiving telephone calls supposedly from companies requesting that their bank details are changed. It is known that several authorities have fallen for this scam. This has been tried at Eastbourne but there are controls in place which have stopped this happening. Therefore, when information is published any potential fraud scams must be considered and relevant controls put in place to prevent the Council from falling victim to them.

## **6.0 Resource Implications**

6.1 Financial – None

6.2 Staffing – None

## **7.0 Other Implications**

7.1 None

## **8.0 Summary of Options**

8.1 None

## **9.0 Recommendation**

9.1 That the committee adopt the requirements of the Code of Recommended Practice for Local Authorities on Data Transparency.

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Background Documents: The Code of Recommended Practice for Local Authorities on Data Transparency: Department of Communities and Local Government

Making Open Data Real – A Public Consultation: The Cabinet Office

The Localism Act 2011