

Switch on the Data: Changes Needed for Access to Public-Sector Information

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Australians live in a digital world. In a typical Australian home in the twenty-first century the Internet is a daily tool for communication, information and recreation. In 2007–08, 67 per cent of Australian households had home Internet access — a quadrupling of connections from the home from 1998 to 2007–08 (Australian Bureau of Statistics 2008). Survey companies note that the Internet is a major information channel: ‘The Internet comes third, with an average of 10.7 hours per week [compared to television and radio]’ (Roy Morgan 2009) and ‘Australia, along with Sweden, Hong Kong and the Netherlands, appears to be the most mature Internet market’ (Nielsen 2003).

Australian government agencies have recognised the importance of using the new digital environment to communicate with the community and to offer services. The development of this communication channel has occurred with an international trend to provide access to what is now called ‘public-sector information’ (PSI). Agencies are, however, in the early stages of understanding policy covering such issues. The overall objective of providing greater access to information resources in the public sector is admirable, but thus far in Australia, initiatives have not delivered access successfully. New developments should learn from failures in the past, and could usefully learn from other countries.

The value and importance of PSI should not be underestimated. Management of intellectual property in the Australian Government sector (Australian National Audit Office 2007) concluded that the Commonwealth’s intangible assets, including intellectual property in information, had increased steadily to \$7.7 billion in 2005–06. Nearly half (\$3.8 billion) is software assets, but information is a component of the remaining \$3.9 billion.

The Government’s consultation paper released in January 2009 (Department of Broadband, Communications and the Digital Economy 2009) notes that ‘PSI includes Government produced data (such as Australian Bureau of Statistics (ABS) and geospatial data) and copyright protected materials (such as reports and other documentation). It can also include materials that result from publicly-funded cultural, educational and scientific activities.’

A new wave is emerging to enable citizens to harness both public-sector information and interaction with public-sector agencies. In June 2009 a Gov2.0

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Task Force was announced: 'Australian Government plans to harness the power of the World Wide Web to advance open, transparent government; and to work towards government that makes the best use of the skills and knowledge of its citizenry' (Tanner 2009).

PSI includes:

- data created by agencies, either through direct collection of information or through analysis of data collected by other government agencies; for example, the data held by the ABS and the Bureau of Meteorology;
- records created by agencies in the course of their work (while these currently are covered by Archives and Freedom of Information legislation, there is a question as to whether, in an environment where records primarily are developed digitally, a new approach be included within a PSI framework — noting that the proposed FOI legislation has recently been released);
- research including data commissioned by agencies; for example, by the Australian Research Council and National Health and Medical Research Council; and
- information resources held by agencies as a part of their collecting obligations; for example, in the collections at the National Library of Australia, Australian War Memorial and National Gallery of Australia.

Currently, access to these resources is highly variable. Agencies have quite different charging and management systems. There are some best practice models — the ABS, for example, makes its publications freely available. Other agencies charge for data, resulting in barriers for both the research and general communities.

Across the world there are different practices for access to PSI. In the United States, government publications are 'public domain' and available for use without the restrictions placed through Australia's copyright legislation. Australia's consultation paper has asked for comments on the need to move to an open-access regime, such as Creative Commons licensing (for more information see Creative Commons Australia 2009), a move supported by research and library communities.

More significantly, the US National Institutes of Health mandated free community access to publicly funded research in 2008. Its policy is clear: 'Enhancing public access to archived publications resulting from NIH funded research' requires the outputs of research (manuscripts) to be deposited in PubMed Central (United States, National Institutes of Health 2009). Making this research available produces significant public good: it enables quick and effective access to publicly funded research, while reducing duplication and creating a platform for collaboration. A Bill that would bar agencies from requiring any transfer of copyright in return for government funding was introduced to

Congress in January this year. Scientific societies and library groups are opposing the Bill as it would reverse the National Institutes of Health policy (American Library Association 2009).

In many other countries, agencies (such as the Canadian Institutes of Health Research) have similar policies to the National Institutes of Health. In Australia, the National Health and Medical Research Council guidelines are less demanding. They state that “to maximise the benefits from research, findings need to be disseminated as broadly as possible to allow access by other researchers and the wider community” (National Health and Medical Research Council 2008). However, there is no mandatory requirement to make the reports widely available:

NHMRC therefore encourages researchers to consider the benefits of depositing their data and any publications arising from a research project in an appropriate subject and/or institutional repository wherever such a repository is available to the researcher(s). If a researcher is not intending to deposit the data from a project in a repository within a six-month period, s/he should include the reasons in the project’s Final Report (National Health and Medical Research Council 2008).

Earlier this year the US Networking and Information Technology Research and Development published a report calling for government scientific digital data to be unleashed. The authoring Interagency Group of 24 agencies called for new structures and approaches, commenting that, ‘Data are not consumed by the ideas and innovations they spark, but are an endless fuel for creativity’ (United States National Coordination Office for Networking and Information Technology Research and Development 2009).

The European Union has regulated for an open approach to PSI (European Commission 2009). Its directive is intended to remove the barriers that limit cross-border re-use. With approximately 27 billion in PSI assets, increasing commercial benefit has been seen as vital. The directive sets out how public-sector bodies should make their information available for re-use and outlines a range of conditions. The European Union has been vigilant in monitoring its implementation, possibly because of the unevenness of open access in Europe. On 19 March 2009, it launched an infringement proceeding against Italy for ‘incomplete and incorrect transposition of the EU Directive on the re-use of public-sector information’ (European Commission 2009a).

One of the principles underlying access to public information is accountability. The Freedom of Information Act has brought access to government records. However, online publication of PSI offers much broader access. It would allow access to a record of government policy-making that is vital to an informed democracy. In Australia, the Parliamentary Papers series has provided a record

of Commonwealth policy and accountability documents. The Joint Committee on Publications has, in several reports (Joint Committee on Publications 1997 and 2006) emphasised the importance of citizens' access to the series. A study of papers ordered to be printed in 2008 has found that, while 90 per cent were accessible online, within 12 months several reports would not be accessible. The major reasons for a lack of access were that the agency did not have a website or that only selected material was published online.

Such decreased online availability of major accountability documents over time raises questions about the commitment to online access to PSI. The National Library of Australia has developed a national digital archive which contains a significant number of public-sector information resources. Without additional resources and/or a change to the current copyright/intellectual property management regime it will have difficulty overcoming the barriers to easy and effective re-use of PSI.

Current government search systems are major impediments to access to PSI. The Government plans to integrate its directories and publications discovery service (Australian Government Information Management Office (AGIMO) 2006). If it is not effective, combining the services will have limited effect. At present, less than half (based on a sample) of the Parliamentary Papers series can be found effectively.

Developments in the US, the UK and Europe have emphasised the benefit of access to PSI for science, research and business (see, for example, United Kingdom Department for Culture, Media and Sport and Department for Business, Enterprise and Regulatory Reform 2009). By using, for example, geospatial information with scientific data improved research can occur, supporting national resource discovery, building infrastructure and resulting in better environmental management. Businesses can identify potential user communities for product innovation. Robyn Archer, launching Music Australia, gave an insight into a commercial benefit of PSI through digital collections. She described being able to promote Australian musical talent to Europe and the US by linking to performers online in the National Library's digitised music collection.

Productivity Commission Chairman Gary Banks noted at a public lecture that data was an essential ingredient for public policy-making (Banks 2009). He suggested that transparency was also vital, and that data, assumptions and methodologies should be open to ensure that analysis can be replicated. Additionally, data needs to be available to prevent duplication and enable rapid and effective policy-making. A new approach to PSI could deliver all these goals.

The Department of Broadcasting, Communications and the Digital Economy and a Victorian parliamentary committee are examining ways to improve access to PSI. Perhaps even more significantly, the proposed Freedom of Information (FOI) Reform legislation (Department of Prime Minister and Cabinet 2009) requires

greater online publication of PSI. Unfortunately, the proposal cannot extend to organisations that cease, such as royal commissions or those affected by machinery of government changes, nor does it contain the sort of penalties contained in the European directive. Inquiries have yet to consider a solution to long-term access which will enable the Australian community to benefit and grow the digital economy.

There remain many significant issues to analyse, and opportunities to learn more from developments overseas than within Australia. Industry, academia and libraries are calling for developments to overcome barriers presented by the current, apparently haphazard, publication policies, a lack of consistent, open re-use conditions, and poor search services. While the work of the National Archives of Australia has led to guidelines for metadata and AGIMO's access initiatives have provided a starting point on the nation's journey to accessible, usable access to public-sector information, we are not there yet. The inquiries are timely and need to focus on community engagement with government as well as the release of information.

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