



Note of Meeting of Licensing Forum
14 December 2006
MHRA, London

Present:

Jean Alexander	BGS
Ken Dearman	UKHO
Sue Evans	Welsh Assembly
Ian Evans	Welsh Assembly
Antoinette Graves (Speaker)	OFT
Peter Hill	OFT
John Webster	OFT
Andrea Bradley	FCO
Marcia Jackson	OPSI
Helen Munson	OPSI
Kerrie Reidy	OPSI
John Williams	OPSI
Beth Brook	HMSO
Tony Jardine	Ordnance Survey
Tracey Jones	Companies House
Janice Knight	HM Land Registry
Jane Allen	HM Land Registry
Mike Westcott-Rudd	HM Land Registry
Dominic Murphy	Met Office
Tim Padfield (Speaker)	The National Archives
Carol Watts	CEH
Susan MacInnes	Registers of Scotland
John Sharkey	OSNI
Ray Lowry	OSNI
Adrian Nuttall	Environment Agency
Anita Evans	HMRC
Chris Corbin (Speaker)	ePSI <i>plus</i>
Frances Law (Chair)	MHRA
Daphne Prail	Highways Agency

1. Introductions

- The Chair welcomed everyone to the MHRA and introduced the first speaker.

1. The Commercial Use of Public Information (CUPI) Market Study

Introduced by Antoinette Graves, Office of Fair Trading

- The study was officially published on the 7th December 2006. The next stage is the Government response, which is due 90 days after publication. The study focuses on the interaction between Government and the information sector, specifically the value of Public Sector Information to businesses developing new products/services. The report highlighted that with the right improvements, PSI could double its contribution to the UK economy to over £1bn per year.
- The current income from PSI to PSIH's stands at £400m, the majority of this (87%) coming from those with a delegated authority. 50% of this income is produced from transactions with businesses; the rest is from other PSIH's and the public.
- The study found that current legislation & guidance lacks clarity, such as the debate between core and value-added information (re-defined in the report as refined and un-refined information) and that the sector is inadequately monitored, leaving it open for PSIH's to restrict access to unrefined PSI when they are in direct competition with businesses who are also their biggest source of income.
- Issues raised by businesses interviewed for the study covered inadequate availability of unrefined PSI, overly-restrictive contract terms, inadequate quality of service and unduly high prices.
- The report makes several recommendations to remedy the current issues. These include; HM Treasury should work with OPSI to improve guidance documents, particularly on fair pricing of refined and un-refined information, the OPSI managed Information Fair Trader Scheme (IFTS) must become more robust and PSIHs should implement complaints processes that do not penalise those using them.
- An evaluation of the impact of the recommendations will be conducted in 2-3 years time and depending on the outcome of this, further action may be taken. Until that point, this approach will not require primary legislation.

Discussion

- A member asked how HM Treasury felt about working closely with OPSI to create more user-friendly guidelines and if any timetable had been set for this. The speaker replied that the next stage is the

government response. If Government accepts this recommendation, it will then be taken forward with HM Treasury, who in the New Year will be able to discuss a timetable for an action plan if this is indeed the direction in which the Government response takes. The speaker offered her availability to discuss the response with any interested parties.

- A member raised the concern that the statements made to the OFT market study were anonymous and so how do PSIHs answer and deal with these concerns? The speaker made the point that as many PSIH's are monopolies in their particular fields, they must recognise that many businesses are wary of complaining so it may have proved too difficult to complete this study without the guarantee of anonymity. The speaker also made the point that they feel many of the issues raised in the study could be resolved with more open dialogue between PSIHs and businesses and so encourage PSIHs to welcome feedback as most complaints involved a misunderstanding rather than a genuine complaint. The speaker has also agreed to discuss with lawyers where she stands on releasing more details about the source of responses and will get back to the group on this.
- A member raised the problem of how difficult it would be for many PSIHs to alter their current accounting practises to adhere to the recommendations made in the report. The speaker said she was very concerned with the current lack of accounting procedures in many PSIHs. The producers of the study felt that if you are licensing material you must have proper accounting procedures in place. Transparent pricing allows business to make a clear judgement on whether to buy or not.
- A member asked how PSIHs would be able to judge what cost recovery actually constituted as there are so many variables and some information has been built up for decades. The speaker stated that there is a danger of saying that this task is too difficult and so no one will even bother too attempt it. OFT feels that the answer is to make an estimate, compare this to the final out come and then improve on the estimate. They realise that it is a working process which will be helped by open and fair competition.

2. ePSIplus: an overview

Introduced by Chris Corbin, ePSIplus Thematic Network Analyst

- The speaker explained that ePSIplus is a thematic network which operates by holding meetings during which people are given the opportunity to exchange ideas and information whilst mixing with other PSI experts. Its aim is to support the implementation of the European Directive on PSI re-use and facilitate the major opportunities for business to develop value

- added products and services based on PSI. It will cover all Member (EU, EEA, EFTA) and candidate states.
- The five major themes covered are: Legal and regulatory progress and impact, public sector organisation and culture change, encouraging PSI re-use business, the financial impact of the Directive: pricing and charging and information management, standards and data quality. The group has a Network co-ordinator, 5 subcontracted analysts, 30 National Network Members, 6 Pan European Network Members and 1000 registered stakeholders (With the target being 5000+).
 - The role of these actors is to record discussions, monitor and move forward thematic agenda's, compile analytic reports. Lead and set agendas for thematic meetings. Co-ordinate expert participation at each thematic meeting and an analyst will be present at every national meeting.
 - As a result of thematic activities, ePSI*plus* has developed a mechanism known as a scorecard, which is a system to monitor each country's compliance with the re-use of public sector information Directive. The results of which will be published on the ePSI*plus* website. The scorecard currently covers theme 1, but in future all the ePSI*plus* themes will contribute to the scorecard. The scorecard is a tool to stimulate debate, stimulate feedback, stimulate competition and compliance and enables quick comparisons to be made between countries.
 - Other publications produced by ePSI*plus* include; quarterly newsletter, glossary, country reports, PSI media watch, PSI presentation watch, PSI tips and a PSI bibliography.
 - In summary the role of ePSI*plus* is to assess and report on the impact of the Re-use PSI Directive. The Network hopes to demonstrate the improved understanding of re-use of PSI across Europe. The network will also Report and propose recommendations for the PSI Directive Review.
 - ePSI*plus* warmly invites all members of the Licensing Forum to participate.

Discussion

- A member asked if you are invited to the ePSI*plus* meetings if you join via the website. The speaker said yes but this depends on the money and space available at each meeting. You may be able to attend one meeting but not another. The speaker advised members to email the ePSI*plus* Meeting Co-ordinator if they want to go on the waiting list and to encourage others to join. In this way a larger number of people will be available to share publications such as best practice and pricing guides. All materials received or generated by ePSI*plus* are published on the ePSI*plus* website www.epsiplus.net
- A member asked about ePSI*plus*'s use of scorecards to rate countries progress with PSI. The member wanted to know why the UK does not come out well if the scorecard focused on different aspects. The speaker replied that currently the scorecard marks against the transposition status of a country with the PSI Directive, as this is the first step, a step which the

UK has taken very quickly and comprehensively but after a country has implemented they will not necessarily handle the implementation so well. The speaker gave the example that other European countries are more willing to fine PSIH's if they do not comply with the law whereas the UK is developing a softer approach tending to talk about complaints rather than penalising if no action is taken. This could be viewed as bad practice with respect to implementing the EU PSI Directive and its intent.

3. TNA and OPSI Merger

Introduced by Tim Padfield, The National Archives

- The speaker explained that the creation of this new body now combines 3 other distinct bodies. These are the Office of Public Sector Information, the Public Record Office and the Royal Commission on Historical Manuscripts. It was further explained that the Public Record Office and the Historical Manuscripts Commission merged in 2003 to form The National Archives (TNA).
- Within TNA, OPSI is responsible for administering the licensing of Crown Copyright in England, Wales and Northern Ireland. This is done on behalf of the Controller of HMSO and Queens printer; of Crown Copyright in Scotland on behalf of the Queen's printer for Scotland; and of parliamentary copyright on behalf of the parliaments of Westminster and Edinburgh. Both HMSO and the Office of the Queens Printer for Scotland still exist and operate within OPSI.
- Further responsibilities include the publication of legislation, the administration of the PSI Regulations and the IFTS, the investigation of complaints under both IFTS and the PSI Regulations and the government policy lead on re-use of public sector information in the UK and on behalf of the UK at EU level.
- TNA is responsible for the selection and preservation of public records and making them available to the public, advice on the preservation of non-public records, including local authority and private records, and their availability to the public and furthermore TNA is responsible for providing guidance on best practice in records and information management in Central Government and the rest of the Public Sector.
- Both OPSI and TNA now fall under the responsibility of the Lord Chancellor and Secretary of State for Constitutional Affairs. DCA also has responsibility for the policy lead on Human Rights, Freedom of Information, data protection and data sharing.
- There are a number of new work streams moving forward which will position TNA at the centre of information management policy across government. These include the creation of a Knowledge Council to lead on Policy Issues. The PSI Directorate within TNA will also be developing a 'One List policy' for asset lists.

- The merger creates a single government department responsible for providing a lead on information management for government and the public sector, giving advice, issuing guidance and ensuring compliance.

Discussion

- A member asked what exactly the Knowledge Council is. The speaker informed the group that the Knowledge Council is part of a new policy strand. It is a central Government information management policy aimed at giving coherence to this sector. As part of this OPSI will be working closely with the Information Commissioner.

4. Details of Next Meeting

- The next meeting will be held on 7 March at the BGS in Nottingham.

Kerrie Reidy OPSI
14 December 2006