
Good Practice in promoting PSI re-use: The IFTS brand

CHRISTOPHER CORBIN

Independent researcher on Information policy, UK

Abstract

This paper is one of a series that considers the role of branding Government initiatives related to the re-use of public sector information.

In September 2000 the UK Government announced new plans to boost the knowledge economy by overhauling the way government information could be acquired and reused. At that time the HMSO was charged with implementing the plans. Following a public consultation during 2001 the HMSO announced the *Information Fair Trader Scheme* and the IFTS brand in the summer of 2002. The 2002 announcement coincided with the European Commission publishing the proposed text of what was to become the European Union Directive 2003/98/EC on the re-use of Public Sector Information. The Directive came into force in all European Member States on the 1 July 2005. The implementation and administration of the IFTS is a regulatory function that has a legal base. The IFTS regulatory function operates in parallel with that of the regulatory function within Statutory Instrument 2005 No. 1515 that transposes the EU Directive 2003/98/EC into the UK legal framework.

This paper reviews the IFTS brand and the Information Fair Trader Scheme that has been in operation for seven years and how it relates to the implementation of the EU legal framework that governs the re-use of public sector information in the UK.

Key words

Public Sector Information, Directive 2003/98/EC, Statutory Instrument 2005 No. 1515, HMSO, The Office of Public Sector Information, IFTS brand, Information Fair Trader Scheme, The National Archives.

About the Author:

Christopher Corbin is an independent researcher in the development of the emerging information and knowledge economy and was an Analyst in the eContentplus funded ePSIplus Thematic Network from September 2006 though to February 2009. Besides supporting European Union led initiatives support has also been provided to the Organisation for Economic Co-operation and Development (OECD) initiatives related to public sector information. Chris Corbin is currently an expert member of the UK Advisory Panel for Public Sector Information (APPSI) [<http://www.appsi.gov.uk/members/index.htm>] – appointed January 2008 for a 3 year period, a member of the Open Knowledge Foundation Advisory Board (OKFN) [http://okfn.org/advisory_board] and an advisor to the European Public Sector Information Platform [<http://www.epsiplatform.net/>]

© 2009 European PSI Platform - This document and all material therein has been compiled with great care; however, the author, editor and/or publisher and/or any party within the European PSI Platform or its predecessor projects the ePSIplus Network project or ePSINet consortium cannot be held liable in any way for the consequences of using the content of this document and/or any material referenced therein.

This report has been published under the auspices of the European Public Sector Information Platform. The report may be reproduced providing acknowledgement is made to the author and the European PSI Platform.

The [European Public Sector Information \(PSI\) Platform](#) is funded under the [European Commission eContentplus programme](#).

Introduction

On the 6th September 2000 the E-Minister Patricia Hewitt announced plans to boost the knowledge economy through the re-use of public sector information. Her Majesty's Stationery Office (HMSO) within the UK Cabinet Office was charged with implementing the plans. Following a public consultation during 2001 the HMSO announced the *Information Fair Trader Scheme* and the IFTS brand in the summer of 2002. The announcement stated that the IFTS was a regulatory regime for those accepting the delegated authority with respect to Crown Copyright and that the Government would after two years review the effectiveness of the regulatory regime.

For a public sector body to become accredited and receive a *Certificate* under the IFTS regulatory regime the Chief Executive (or the equivalent) of the organisation must make a published (on the organisations web site) announcement that the organisation complies with the IFTS principles, agrees to periodic independent audits and will investigate complaints. The IFTS regulatory framework vested the HMSO with the authority to investigate complaints. The IFTS principles in 2002 were stated as:

- Openness - maximising the re-use of public sector information
- Transparency - non-discrimination between re-users
- Fairness - clear licensing terms and conditions and charging
- Compliance - internal processes to meet the IFTS Commitment
- Challenge - a robust complaints process

In the autumn of 2002 the HMSO piloted a verification process on its own licensing activities and based on that experience refined the verification process, which was then applied to the UK Hydrographic Office (December 2002/January 2003), Ordnance Survey (March/April 2003) and the Met Office (June/July 2003). In March 2004 the HMSO published a booklet describing the IFTS.

On 1st July 2005 the *Re-use of Public Sector Information Regulations 2005* came into force in the UK (The UK transposition of the EU Directive 2003/98/EC) and the Information Fair Trader Scheme became the best practice model for public sector information holders to demonstrate compliance with the PSI re-use regulations. The IFTS scheme was expanded on 1st July 2005 when OPSI introduced IFTS Online that can be used by all parts of the public sector including local government and the National Health Service.

As a consequence of a number of reports from the Office of Fair Trading (The Commercial Use of Public Sector Information), the Cabinet Office (Power of Information) and the HM Treasury (Trading Funds Assessment) OPSI revised the IFTS principles and introduced a new Performance Management Framework. The revised IFTS principles came into force at the beginning of April 2009¹. The IFTS 2009 principles state:

- *Maximisation* – an obligation to allow re-use
- *Simplicity* – of processes, policies and licences
- *Transparency* – of licence terms and conditions and charging information
- *Fairness* – the public sector information holder should not use its market power to compete unfairly. All customers to be treated the same for the same type of re-use.
- *Challenge* – a robust complaints process in place to reconsider licensing decisions. OPSI can investigate public sector information holder's decisions if they appear to be wrong.
- *Innovation* – the public sector information holder explores new methods to help re-users innovate

The Coal Authority was the first public sector information holder to be assessed against the 2009 IFTS principles and the new performance management framework and gained IFTS accreditation in July 2009.

HMSO became a part of the Office of Public Sector Information (OPSI) in May 2005 still within the Cabinet Office. In October 2006 the OPSI was merged with The National Archives reporting to the Department for Constitutional Affairs, which became the Ministry of Justice in May 2007.

¹ <http://opsi.gov.uk/ifts/ifts-principles>

Background - Timeline

Date	Event
6 September 2000	The Department of Trade and Industry publish a press release titled: <i>CLICK-USE-PAY – HEWITT</i>
December 2000	HM Treasury publish ² the final report of the Cross Cutting review of the Knowledge Economy: Review of government information
14 January 2002	Consultation on <i>Licensing of Crown Copyright - HMSO regulatory framework</i> closed.
5 June 2002	European Commission publish proposal for a <i>Directive of the European Parliament and of the Council on the re-use and commercial exploitation of public sector documents</i> . COM(2002) 207 final 2002/123 (COD)
24 July 2002	HMSO publish report titled: <i>Licensing of crown copyright: HMSO Regulatory framework consultation - Outcome</i> ³
4 September 2003	HMSO publish report titled: <i>Review of the first four IFTS verifications</i> ⁴
31 December 2003	The Official Journal of the European Union published <i>Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information</i>
March 2004	HMSO publish booklet on IFTS titled: <i>Information Fair Trader Scheme</i> ⁵
January 2005	HMSO publish report titled: <i>Information Fair Trader Scheme Review – The First Two Years</i> ⁶
16 May 2005	Cabinet Office publish ⁷ press release titled: <i>New Office of Public Sector Information</i>
10 June 2005	<i>Statutory Instrument 2005 No. 1515 The Re-use of Public Sector Information Regulations 2005</i> Laid before Parliament
28 July 2005	Office of Fair Trading launch the market study on <i>The Commercial Use of Public Information (CUPI)</i> ⁸
9 August 2005	The Office of Public Sector Information announce OPSI launches IFTS ONLINE in response to new PSI regulations
April 2006	OPSI publishes booklet titled: <i>Unlocking the Potential of Public Sector Information - OPSI Can Help</i> ⁹
7 December 2006	Office of Fair Trading publish report titled: <i>The Commercial Use of Public Information (CUPI)</i>
June 2007	The DTI publishes <i>The Government Response to the Office of Fair Trading study – The Commercial Use of Public Information (CUPI)</i> ¹⁰

² http://www.hm-treasury.gov.uk/spend_sr00_ccr.htm

³ <http://www.opsi.gov.uk/advice/crown-copyright/licensing-consultation>

⁴ <http://www.opsi.gov.uk/ifts/review-report-2003-09.pdf>

⁵ www.opsi.gov.uk/ifts/ifts-booklet.pdf

⁶ <http://www.opsi.gov.uk/ifts/first-two-years-report.pdf>

⁷ http://www.cabinetoffice.gov.uk/newsroom/news_releases/2005/050516_opsi.aspx

⁸ http://www.offt.gov.uk/advice_and_resources/resource_base/market-studies/completed/public-information

⁹ <http://www.opsi.gov.uk/advice/unlocking-the-potential-of-psi-opsi-can-help.pdf>

¹⁰ <http://www.berr.gov.uk/whatwedo/businesslaw/competition/market-studies/public-information/page39978.html>

Date	Event
July 2007	OPSI publish report titled: <i>The United Kingdom Implementation of the European Directive on the re-use of Public Sector Information - the first two years</i>
25 June 2008	The HM Treasury and the Department for Business, Enterprise and Regulatory Reform publish a press release titled: <i>Trading Funds Assessment details announced</i> ¹¹
July 2008	The Office of Public Sector Information publish a report titled: <i>The United Kingdom Report on the Re-use of Public Sector Information 2008</i>
6 March 2009	Cabinet Office publishes the <i>Power of Information Taskforce Report</i> ¹²
12 May 2009	The Cabinet Office publishes <i>DIGITAL ENGAGEMENT: Update on Power of Information</i> ¹³
15 May 2009	The Office of Public Sector Information publish a revised <i>IFTS Strategy</i> and a new <i>Performance Management Framework</i> ¹⁴
July 2009	The Office of Public Sector Information publish a report titled: <i>United Kingdom Report on the Re-Use of Public Sector Information 2009</i>

UK Government announcement September 2000 – The starting line!

The Department of Trade and Industry published a press release titled: *CLICK-USE-PAY – HEWITT* on the 6 September 2000. The announcement states:

“The new plans include:

- A new on-line licensing service, “Click-Use-Pay” being implementing by Her Majesty’s Stationery Office (HMSO);
- A simplified system of licensing and pricing for Government information;
- Improving pricing and dissemination of information from Government Trading Funds which provide information for both public and private sector;
- Charging marginal cost prices for most information from departments and agencies (other than trading funds);
- A consultation on the future role and scope of HMSO operating in a regulatory capacity. The new regulatory body will work closely with an advisory panel of representatives drawn from the private and public sectors; and it will establish a credible complaints procedure for customers;
- All government bodies to speed up creation of their Information Asset Registers linking to the “inforoute” website being developed by HMSO; and,
- Public information to be made available in digital format wherever possible.

Government departments and agencies will continue to be free to develop value-added services charging market prices provided this can be achieved openly with a level playing field among all participants. The Report on the Review of Government Information also recommends that public sector copyright owners other than the Crown such as local authorities and Non-Departmental Public Bodies review their charging and licensing strategies.”

HMSO/OPSI parent organisation Annual reports

References to the Information Trader Scheme by the parent organisation – Cabinet Office up to 2005 then National Archives from 2006 onwards.

¹¹ http://www.hm-treasury.gov.uk/press_6508b.htm

¹² http://www.cabinetoffice.gov.uk/reports/power_of_information.aspx

¹³ <http://blogs.cabinetoffice.gov.uk/digitalengagement/post/2009/05/12/Welcome.aspx>

¹⁴ <http://www.opsi.gov.uk/ifts/index>

Cabinet Office Departmental Report 2003 page 26 extract:

2.73 The Information Fair Trader Scheme was launched in July with the first accredited trading fund recognised in January 2003.

Cabinet Office: Annual Report and Resource Accounts 2003-04 page 9 extract:

30. The Information Fair Trader Scheme, setting national standards for the re-use of public sector information, extended its reach during 2003-4 to include the Environment Agency, Met Office and the Land Registry.

Cabinet Office Departmental Report 2004 page 33 extract:

2.95 The Information Fair Trader Scheme accredited a further two trading funds during the year, making three in total.

Cabinet Office Annual Report and Resource Accounts 2004-05 page 7 extract:

29. The Information Fair Trader Scheme (IFTS), established as the national best practice scheme for re-use of public sector information, continued to extend its scope to non-Crown public sector bodies.

Cabinet Office Departmental Report 2005 page 43 extract:

2.102 Working at the centre of the policy on reuse of public sector information, OPSI provides support and assistance through a framework of practical guidance and by sharing best practice across the public sector through The Information Fair Trader Scheme (IFTS).

Cabinet Office Annual Report and Resource Accounts 2005-06 page 14 extract:

OPSI sets and measures the standards for compliance with the Public Sector Information (PSI) Regulations through an enhanced Information Fair Trader Scheme.

The National Archives Annual Report and Resource Accounts 2006–2007 makes 5 references to the Information Fair Trader Scheme. The extracts include amongst others:

Future plans to enable and encourage better information re-use include introducing economic expertise to strengthen the financial aspects of the Information Fair Trader Scheme, working alongside other audit bodies and discussing Public Sector Information Holders' performance with their customers. (page 5)

OPSI and HMSO are the regulators of public sector information holders for their information-trading activities. The Information Fair Trader Scheme provides reassurance to re-users of public sector information that they will be treated fairly and that there are standards for dealing with PSI. OPSI also investigates complaints against public sector information holders made under the PSI Regulations. (page 68)

The National Archives Annual Report and Resource Accounts 2007–2008 makes 2 references to the Information Fair Trader Scheme.

The Information Fair Trader Scheme (IFTS) and Public Sector Information complaints procedures were published to take into account the Office of Fair Trading's Commercial Use of Public Information and user responses. The scheme was expanded and new accredited members were added. (page 11)

Over the coming years we will face increasing financial pressure. The National Archives has its challenging Vision to realise as well as managing the ongoing pressures of dealing with digital and paper information including the review of data handling. All expenditure is reviewed critically to limit increases and invest in areas that will reduce our exposure to inflationary pressures. We are also exploring and rationalising our income strategy with an aim to grow income at ten percent per annum

to help fund future expenditure. Our income strategy will be fully in line with The National Archives' accreditation in January 2008 under the Information Fair Trader Scheme (IFTS). (page 19)

The National Archives Annual Report and Resource Accounts 2008-2009 makes 2 references to the Information Fair Trader Scheme.

Regulating information trading

Our Standards team runs the Information Fair Trader Scheme, which sets and assesses standards for 'information traders' – public sector bodies like the Met Office and Ordnance Survey who create and collect information, and license it for commercial re-use. The team conduct audits and provide recommendations to scheme members, helping them meet required standards of fairness and transparency, maximising the potential for re-use, and in turn supporting the commercial enterprises which depend on these information resources. (page 9)

HMSO/OPSI Reports

Information Fair Trader Scheme Review - The First Two Years, January 2005. The report on pages 1 and 2 states:

"HMSO consulted on how to implement a regulatory regime for those accepting the delegated authority and IFTS was the outcome. The outcome of the Licensing of Crown copyright HMSO Regulatory Framework Consultation in 2002 required that:

"The Government will review the regulatory regime to check on its effectiveness, to ensure that the balance between costs and benefits is appropriate, and to determine longer-term arrangements, after two years".

This is that review. It explains how the Scheme works and what changes have taken place over the last few years. It also discusses the benefits of as well as the lessons learned. Finally it sets out the proposed expansion of the Scheme over the next few years."

"Although IFTS was initially aimed at trading funds with delegations, it has since opened its doors to volunteers and, in 2005 will expand further to the wider public sector. IFTS is being promoted as the best practice model for complying with the Re-use of Public Sector Information Regulations 2005." (page 4)

"The Scheme lacks credibility

There is a perception that HMSO will accredit all candidate organisations. This is not the case. Three candidate organisations have not been accredited based on the initial verification. In these cases accreditation was held back while improvements were made." (page 9)

"Appendix B - Costs

The consultation on the Regulatory Framework which led to IFTS suggested that the costs of the Regulation (now Standards) team would be £124,000 per year for three staff and related costs. However, only 1.5 staff plus additional resource from other teams as necessary, is devoted to IFTS. IFTS work not only includes the verifications but also includes provision of advice and consultancy, policy and planning, mediation, and raising awareness of public sector information policy.

The following table shows the actual budget and costs of IFTS and related work since it was first implemented:

	Budget	Actual	Variance
2002/2003 *	£131,733	£167,898	£36,165
2003/2004	£123,761	£133,212	£8,452
2004/2005 **	£93,913	£80,668	-£13,245
Total	£350,408	£381,778	£31,371

* Set up costs of £25,786 and verification costs of £142,112.

** Pro rata for 7 months

Notes:

- Costs consist of staff, consultancy, travel, publicity, hospitality and overheads.
- The decision was taken in 2002/03 to inject extra funding into contracting an external consultancy firm to help develop the Scheme. This was not reflected in the original budget. Staff turnover also led to increased consultancy costs in 2003/2004.

The average cost of a five day verification (excluding related IFTS work) is approximately £8,666.” (page 14)

The Queen’s Printer for Scotland: Report covering the period 1 April 2005 to 31 March 2006 (September 2006) contains 4 occurrences of the term *Information Fair Trader Scheme*. Section 2 of the report paragraphs 2.26 to 2.31 provides a summary with respect to IFTS in Scotland.

The United Kingdom Implementation of the European Directive on the e-use of Public Sector Information - the first two years - A Report by the Office of Public Sector Information July 2007 contains 6 occurrences of the term *Information Fair Trader Scheme*. Section 4 of the report paragraphs 4.2 to 4.7 provides a summary for the years 2005 & 2006 with respect to IFTS.

4.2 The Information Fair Trader Scheme (IFTS) was introduced by OPSI in 2002 to raise standards in the information trading activities of government trading funds. The scheme has been successful in improving standards by identifying areas of concern, recommending remedial action and sharing best practice. (page 12)

5.2 This report should be seen in the context of other UK government information initiatives and reviews. A number of recommendations were made and issues highlighted in these reports. The Office of Fair Trading, in its market sector study into The Commercial Use of Public Information (CUPI), published in December 2006, recommended that the role of OPSI as regulator be strengthened, for instance by extending the scope of the Information Fair Trader Scheme. The Power of Information Review, published in June 2007, recommended a review of OPSI’s functions and funding to ensure that it is fit for purpose. The government responses to these reports were published in June 2007. The Department for Constitutional Affairs (now the Ministry of Justice) Information Sharing Vision Statement, published in December 2006⁴³, considers how the sharing of personal data across government can contribute to improved delivery of services to the public. (page 21)

The United Kingdom Report on the Re-use of Public Sector Information 2008 contains 6 occurrences of the term *Information Fair Trader Scheme*. Section 4 of the report paragraphs 4.2 to 4.9 provides an annual summary with respect to IFTS.

United Kingdom Report on the Re-Use of Public Sector Information 2009 contains 7 occurrences of the term *Information Fair Trader Scheme*. Section 5 of the report paragraphs 5.2 to 5.8 provides an annual summary with respect to IFTS.

5.2 The Information Fair Trader Scheme (IFTS), underpinned by disputes resolution processes, has been used as the mainstay of the OPSI regulatory framework since 2002. It has had many successes, but as the UK re-use landscape changes, it is essential that the shape of the future regulatory framework complements the new agenda. The standard has been raised since the Power of Information (POI) and the Office of Fair Trading’s (OFT) Commercial Use of Public Information (CUPI) Reviews. Government expects more from public sector information traders, particularly in terms of being more proactive in allowing the information they hold to be used and re-used. OPSI undertook a comprehensive review of IFTS to champion best practice and meet the needs of this evolving yet maturing information landscape. (page 29)

5.5 New members joining IFTS since June 2008 include the Coal Authority, the Health and Safety Executive, Companies House, and The Defence and Science Technology Laboratory (under the Ministry of Defence delegation). (page 31)

5.8 IFTS online has continued to expand, with new members from a variety of government agencies including Traffic Scotland and the Highways Agency. Since it was launched in 2005, 49 public sector organizations have completed the online assessment. Members are re-assessed regularly to ensure they

maintain the required standards. (page 32)

The Commercial Use of Public Information (CUPI) report

The Office of Fair Trading (OFT) in December 2006 published the outcome of the market study that was initiated on 28th July 2005 on the *Commercial Use of Public Sector Information*. The main report (not including the Substantive Annexes) contains 15 references to *Information Fair Trader Scheme* and 87 to IFTS. Section 8 of the CUPI report titled: *The Regulatory Framework and Securing Compliance* considers the *Information Fair Trader Scheme* in paragraphs 8.36 to 8.67, and makes a number of specific recommendations that are summarised in Section 9 and include:

“9.14 We recommend that OPSI develops the Information Fair Trader Scheme (IFTS) to test PSIHs rigorously for compliance with our recommendations relating to equal access to unrefined information. The IFTS verification process should include detailed scrutiny of how charges are arrived at, whether PSIHs have proportionate and appropriate cost allocation systems in place and whether there is adequate separation between accounts for unrefined and refined information activities.

9.15 Under current arrangements, the full IFTS only applies to major Crown information traders with delegated authority for licensing Crown copyright information and other PSIHs that choose to join voluntarily. We would like to see all PSIHs (both Crown and non-Crown) earning income of more than £100,000 per annum from the supply of PSI being expected to gain IFTS Accreditation.

9.16 We recommend that OPSI considers the case for carrying out unannounced spot information audits to assess what information is held and made available by a PSIH.” CUPI, page 174

“9.17 We recommend that HMT allocates sufficient resources to allow OPSI to perform its current duties and also the new duties contained in our recommendations. These resources would be allocated through TNA.” CUPI, page 175

“9.20 We recommend that the UK audit offices provide support to OPSI on request when specialist advice is required, for example in assessing the assumptions used by PSIHs when undertaking cost allocation.

9.21 We recommend that PSIHs set up procedures for ensuring that customers are treated fairly if they make complaints. The existence of such procedures should be tested as part of the IFTS Accreditation process.” CUPI, page 175

In June 2007 the Department of Trade and Industry published the report titled: ***The Commercial Use of Public Sector Information (CUPI) – The Government Response to the Office of Fair Trading study.*** The report makes 3 references to *Information Fair Trader Scheme* and 11 to IFTS.

Response to OFT CUPI recommendation 9.14

“The Government agrees that PSIHs should allow equal access to raw/unrefined information and that this is built into the IFTS accreditation. If the recommendations in relation to pricing issues are accepted then OPSI will require specialist advice to undertake this scrutiny. This is covered in the response at 9.19 below. The Government welcomes the suggestion that a proportionate approach should be taken.”

Response to OFT CUPI recommendation 9.15

“The Government accepts that all PSIHs should be encouraged to join the IFTS scheme, especially those earning income in excess of £100,000. Accreditation brings benefits to those in membership and gives reassurance to customers that they will receive a level of service. However, there are resource implications for the wider public sector and OPSI as the body who would process and assess applications. How increased participation in the IFTS scheme could work, and its resource implications, will be looked at further over the next six months. There are a number of possible ways in which this could be achieved and all need exploring in more detail.”

Response to OFT CUPI recommendation 9.17

“The merger of OPSI with the National Archives (TNA) in October 2006 enables the combined organisation to provide strong and coherent leadership for the development of information policy across government and the wider public sector.

The Comprehensive Spending Review for 2008 - 11 has been settled for TNA (of which OPSI is an executive agency). The TNA will consider what their policy priorities are and provide funding accordingly within this allocation. In coming to this decision they will take into account the benefits and merits of implementation compared with the costs of delivery.”

Response to OFT CUPI recommendation 9.19

“The Government supports the use of specialist advice to support OPSI’s work when necessary. OPSI will need to consider the costs and benefits of using such specialist expertise on a case by case basis.”

Response to OFT CUPI recommendation 9.20

“The Government is happy to support this recommendation. This is already existing government policy. Government accepts that it is right that customers who make a legitimate complaint should not receive inferior treatment or be treated in any way different to similar customers while any complaint is being investigated. Every PSIH should, in its published procedures, state clearly that customers will not be treated unfairly following a complaint.”

Advisory Panel on Public Sector (APPSI) Annual reports

1st Annual report 2004. The report contains 4 occurrences of the term *Information Fair Trader Scheme*.

APPSI - Realising the Value of Public Sector Information: Annual Report 2005. The report contains 3 occurrences of the term *Information Fair Trader Scheme*. On page 10 of the report within Section 3 the report states:

“The Information Fair Trader Scheme (IFTS) should be more strongly promoted – APPSI views the IFTS as one of the essential tools in the armoury of implementation of the Directive as well as an important element of the Government’s information management policy;”

APPSI - Realising the Value of Public Sector Information: Annual Report 2006. The report contains no references to the term *Information Fair Trader Scheme* and one reference to the term *IFTS*.

APPSI - Realising the Value of Public Sector Information: Annual Report 2007. The report contains no references to the term *Information Fair Trader Scheme*.

APPSI - Realising the Value of Public Sector Information: Annual Report 2008-09. The report contains no references to the term *Information Fair Trader Scheme*.

Digital Engagement: Update on Power of Information

Response to recommendation 10 of Power of Information report

“Accepted – Consistent with HM Treasury’s existing Fees and Charges Guidance, most Government content is available for re-use at marginal cost; in practice free of charge. This maximises social and economic value.

Trading funds get a derogation from this to support their commercial activity. The basis on which information within trading funds should make their information available was clarified in Budget 2009.

Where government departments and agencies wish to charge for re-use they will need to demonstrate to OPSI that there is a valid reason for doing so. In assessing whether charges are appropriate, OPSI

will apply a series of tests. These tests, in beta version, will be made available for public comment on PSI Perspectives by the end of May.

As OPSI will be responsible for approving whether particular content is charged for, OPSI itself will cease to license any government content that involves payments. This will involve a number of transitional arrangements being made by the end of 2009. Departments and agencies that satisfy the charging tests, will undertake the licensing themselves and will be subject to verification under the Information Fair Trader Scheme (IFTS).

All licensing of government content that involves the payment of a fee will be regulated under the enhanced version of the IFTS which was introduced on 1 April 2009. Building on existing principles of openness, transparency, fairness, challenge and compliance, extended, rigorous principles of maximisation, simplicity and innovation have been added. This raises the standards by requiring public sector bodies to demonstrate a more proactive and user responsive approach to their content.

Information on the enhanced IFTS can be found at: <http://www.opsi.gov.uk/ifts/ifts-principles>. The first detailed verification under the enhanced IFTS took place in late April with the Coal Authority, a new member of the IFTS.” (page 26)

IFTS Management

The HMSO web site in May 2003 stated:

The Regulation Team regulates those organisations which have a delegation from the Controller of HMSO to directly licence crown copyright. Its aim is to ensure that they trade in an open, transparent and fair manner and that government policy on reuse of crown copyright is implemented.

The process by which the team regulates bodies to whom the Controller has delegated licensing authority is call the Information Fair Trader Scheme.

The HMSO in June 2003 announced that: *“The Regulation Team has changed its name to Standards. This better reflects its role in setting standards across the public sector to make sure that all public sector information is accessible and available to re-use by customers.”*

The announcement stated that the HMSO Standards Team has responsibility for the HMSO Information Fair Trader Scheme and acts as the Secretariat for the Advisory Panel on Public Sector Information (APPSI).

The National Archives and the OPSI merged on 31st October 2006. The Standards section is within the Information Policy and Services Directorate within The National Archives and has responsibility for

- Information Fair Trader Scheme
- Information Management Assessment
- Complaints received under the PSI Regulations or IFTS

IFTS Web presence

OPSI Home page – Information Fair Trader Scheme¹⁵

Information Fair Trader Scheme¹⁶

- Full IFTS Accreditation
- IFTS Online Assessment

Full IFTS Accreditation¹⁷

- Principles
- Statement of Commitment
- Verification Process

¹⁵ <http://www.opsi.gov.uk/>

¹⁶ <http://www.opsi.gov.uk/ifts/index>

¹⁷ <http://www.opsi.gov.uk/ifts/full-ifts>

- Complaints Procedure
- Mediation Service
- Policy
- Members

IFTS Online Assessment¹⁸

- Start Application

IFTS Logos

Three IFTS logos exist that relate to the process:

- IFTS accredited – indicating the full verification process has been undertaken
- IFTS online accessed
- IFTS online registered

IFTS Statistics

The following statistics have been derived from the OPSI IFTS web pages and statements included in HMSO/OPSI reports.

DIAGRAM 1

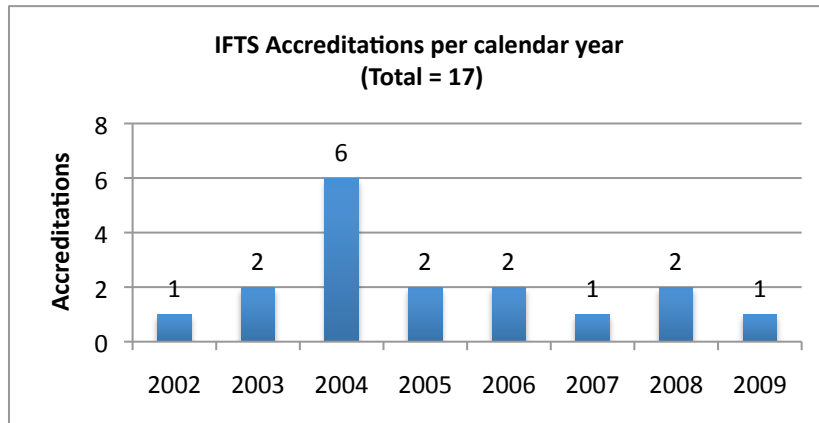
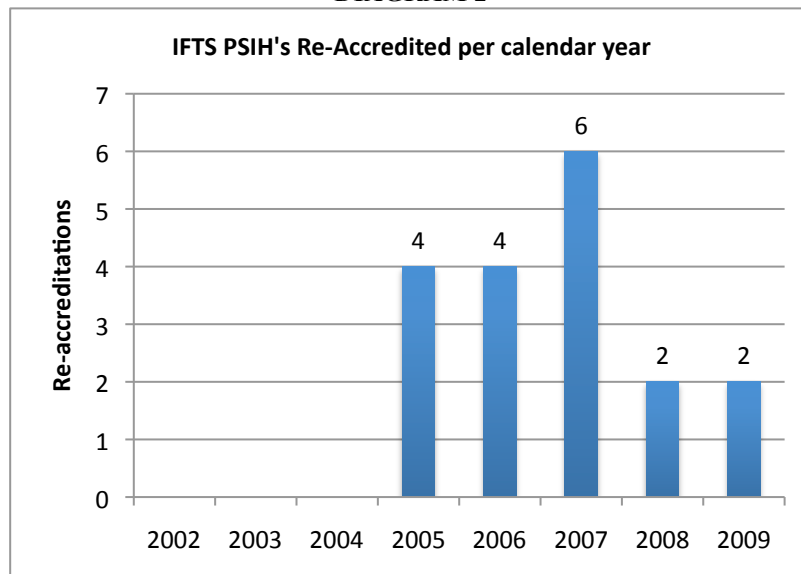


DIAGRAM 2



¹⁸ <http://www.opsi.gov.uk/ifts/assessment/index>

DIAGRAM 3

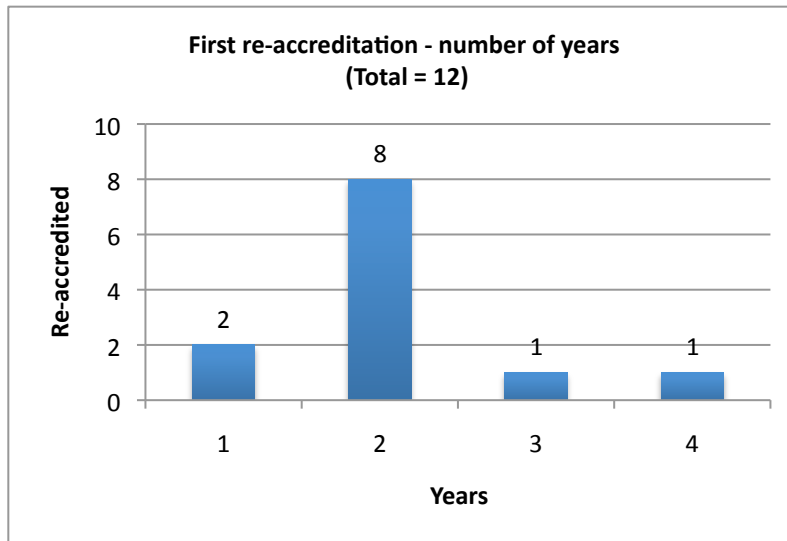
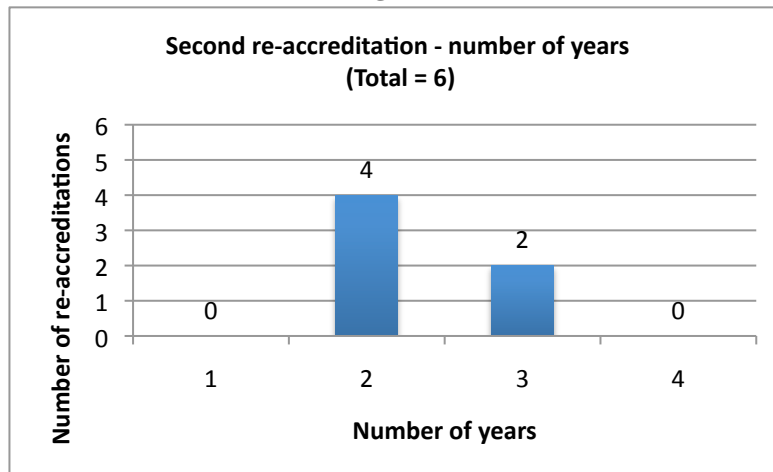


DIAGRAM 4



Search Engine Statistics

A sample of statistics gathered from Google for a number of sites and domains using the term IFTS, Information Fair Trader Scheme.

Search Criteria	Hits
IFTS domain/site: nationalarchives.gov.uk	9
IFTS domain/site: cabinetoffice.gov.uk	5
IFTS domain/site: powerofinformation.wordpress.com	1
IFTS domain/site: opsi.gov.uk	146
IFTS domain/site: berr.gov.uk	5
IFTS domain/site: oft.gov.uk	6
IFTS domain/site: epsiplatform.eu	16
IFTS domain/site: guardian.co.uk	0
IFTS domain/site: ec.europa.eu/information_society	7
IFTS domain/site: appsi.gov.uk	23
IFTS domain/site: gov.uk	8100
IFTS domain/site: publications.parliament.uk	35
IFTS domain/site: locusassociation.co.uk	7
Information Fair Trader Scheme domain/site: opsi.gov.uk	20400
Information Fair Trader Scheme domain/site: nationalarchives.gov.uk	9

Search Criteria	Hits
Information Fair Trader Scheme domain/site: cabinetoffice.gov.uk	19
Information Fair Trader Scheme domain/site: oft.gov.uk	6
Information Fair Trader Scheme domain/site: berr.gov.uk	5
Information Fair Trader Scheme domain/site: powerofinformation.wordpress.com	3
Information Fair Trader Scheme domain/site: guardian.co.uk	3
Information Fair Trader Scheme domain/site: epsiplatform.eu	16
Information Fair Trader Scheme domain/site: ec.europa.eu/information_society	23
Information Fair Trader Scheme domain/site: appsi.gov.uk	15
Information Fair Trader Scheme domain/site: gov.uk	30400
Information Fair Trader Scheme domain/site: publications.parliament.uk	63
Information Fair Trader Scheme domain/site: locusassociation.co.uk	4

Summary

The Information Fair Trader Scheme and its associated IFTS logo have been in use since 2002. In the English language the name is informative and it is immediately clear that the scheme is related to *Fair Trade*. The IFTS logo is also clear in that it includes the letter IFTS - the short form of *Information Fair Trader Scheme*; contains the word *accredited* and has a large tick. It is clear that it is meant to indicate that the accredited public sector body has been assessed at some point and that the public sector body is conforming to the standard *Fair Trader* criteria. The logos associated with the self-assessment IFTS are also clear. The term *Information Fair Trader Scheme* and logos do appear on the accredited public sector bodies web sites but rarely appear in the accredited public sector body's annual reports.

The parent public sector body to which HMSO then OPSI report have on each year made a brief reference to the Information Fair Trader Scheme.

The Office of Fair Trading (OFT) as part of the OFT CUPi market study made an assessment of the Information Fair Trader Scheme. OFT CUPi report states that the IFTS as originally introduced was at too high a level¹⁹ and needed to be strengthened. The Office of Public Sector Information in the early summer of 2009 has commenced the process of strengthening the IFTS.

The implementation of the EU Directive 2003/98/EC in the UK on the 1st July 2005 provided the basis to broaden the IFTS to all public bodies as a standard albeit on a voluntary basis.

The tracking of the statements made by the HMSO then OPSI over the seven years of operation together with the questions and answers raised and given in the UK Houses of Parliament provide an indication as to how the IFTS has evolved.

Over the seven years the IFTS statistical reporting both on membership, complaints and the financial costs of running the IFTS has been patchy. In 2005 the average cost of a five-day verification was stated as £8666. As the IFTS has been strengthened it is not as yet clear whether the cost has as a result increased.

The merger of the OPSI with The National Archives has broadened the activities of the Standards Team to include the Information Management Assessment. The information in the public domain does not indicate how The National Archives is accredited (or re-accredited) under the IFTS and how this is regulated. The HMSO back in 2002 stated that the HMSO as a provider of public sector information would ascribe to the scheme but the HMSO could not accredit itself. It is assumed that this situation must be the same now that OPSI is part of The National Archives.

Both the CUPi report and the Power of Information report recommended to the UK Government that more resources should be given to OPSI to enable the IFTS (and other OPSI activities) to be implemented more effectively. The Government response to both reports has indicated that the resources must be found within existing budgets agreed within the current spending round.

As the CUPi report in 2006 reported the penetration of the IFTS standard (the take-up) is low.

¹⁹ CUPi, page 156

Conclusions

The IFTS brand is sound and has been sustained over the seven years of existence. The branding that appears on the front cover of the IFTS accreditation reports has in recent years been adapted to a tick in the box. The penetration of the brand is low and this in part is due to the voluntary nature of the IFTS standard with respect to the public sector bodies. Although the IFTS accreditation is mandatory for the large central government trading agencies they themselves make little use of the accreditation that they have achieved.

Over the past seven years the IFTS has evolved from the initial focus on Trading Funds to all public sector information holders that may wish to be accredited and there has been a slow strengthening of the IFTS standard based on independent assessment, for example the Office of Fair Trading and operational experience within OPSI.

An analysis of the statements made by the public bodies concerned with an IFTS accreditation together with the IFTS reports indicates that the process of meeting the standard can be long and protracted.

It is clear that OPSI present the IFTS as one of the key tools to be adopted by public sector information holders in meeting and complying with the regulations related to the re-use of public sector information.

The OPSI continues to operate the IFTS accreditation with limited resources and this maybe contributing to the very low take up of the IFTS standard. The information available in the public domain does not as yet indicate that OPSI has considered setting the standards and the process (together with the Office of Fair Trading and or the respective national Audit Authority's) and then allowing the verification process to be handled independently and externally with the PSIH paying for the service. This accreditation process works well for other British, European and International Standards such as achieving ISO 9000 accreditation for example and the role of the ISO 9000 accreditation when bidding in procurement processes.

The evidence would indicate that the OPSI approach with respect to the IFTS is one of gentle encouragement and nurturing of public sector information holders to adopt the IFTS standard. This approach although laudable means that the take-up rate will be extremely slow. As a result there is likely to be a credibility gap with respect to the demand side re-users.

Considering that one of the objectives of the IFTS is to provide a confidence level to the potential re-user of public sector information then the evidence in the public domain indicates – possibly due to lack of resources; that the OPSI places the main IFTS focus on the PSI supply side with little emphasis on the demand side. For example the statistics published are sparse, the publishing of information is slow and often behind the event to name but two.

DIAGRAMS 3 and 4 would indicate that the rate of improvement by the accredited public sector bodies where the IFTS is mandatory is slow albeit that the sample size is small. This may indicate that the public sector body's concerned do not see that sanctions for not complying as strong, a point made by the OFT assessment of the IFTS within the CUPi report.

The IFTS brand would be greatly strengthened if it were to be made mandatory for all public sector information holders that wish to charge for their information over and above the cost of distribution. However this would only be meaningful if the tighter regulation was enforced. For example the sanction is that once a complaint is received by OPSI that relates to the IFTS that the accreditation is suspended whilst the complaint is in process but more importantly the information has to be provided at marginal cost of distribution until the accreditation is restored. Such an action would focus the minds of the public sector bodies that operate with little respect for the IFTS standard. It may also stimulate the demand side to complain when they find the IFTS accredited body is not meeting with the set standards. At the current time there is still a reluctance by commercial re-users to complain due to the possible consequences of doing so. The OFT CUPi report contains recommendations for how OPSI could strengthen the enforcement but as yet these have not materialised into the IFTS regulation.

The evidence in the public domain at the current time shows that the OPSI is raising the standard but it is not at all clear as to how OPSI will enforce compliance with that standard once a public sector body is accredited. The credibility of the IFTS may well be improved with more timely information and statistics on the operation of the scheme.

Related European Public Sector Information Platform references

Related Topic Reports

Good Practice in promoting PSI re-use: The OPSI brand

http://www.epsiplatform.eu/topic_reports/good_practice_in_promoting_psi_re_use_the_opsi_brand

UK Parliament

PSI Parliamentary debate

http://www.epsiplatform.eu/news/psi_parliamentary_debate

UK Government confirms delay

http://www.epsiplatform.eu/news/uk_government_confirms_delay

Powers of Regulator questioned!

http://www.epsiplatform.eu/news/powers_of_regulator_questioned

16 Questions - a Record?

http://www.epsiplatform.eu/news/16_questions_a_record

Ministers respond on PSI!

http://www.epsiplatform.eu/news/ministers_respond_on_psi

The Office of Public Sector Information (OPSI)

OPSI Raises the Bar!

http://www.epsiplatform.eu/news/opsi_raises_the_bar

OPSI LF June report

http://www.epsiplatform.eu/news/opsi_lf_june_report

OPSI Information Pack

http://www.epsiplatform.eu/good_practice/opsi_information_pack

Office of Fair Trading (OFT)

UK under achieves!

http://www.epsiplatform.eu/news/uk_under_achieves

The OFT CUPI Report

http://www.epsiplatform.eu/reports/the_oft_cupi_report

Department of Trade and Industry (DTI) - (became Business, Enterprise & Regulator Reform (BERR) then became Department for Business and Skills (BIS))

UK Government responds to CUPI

http://www.epsiplatform.eu/news/uk_government_responds_to_cupi