

Office of the Minister of Statistics
Cabinet Economic Growth and Infrastructure Committee

Adoption of the International Open Data Charter

Proposal

1. This paper proposes that New Zealand adopt the International Open Data Charter. Adopting the Charter signals the Government's continued commitment to increasing access to the data held on behalf of citizens, while ensuring privacy is maintained. The Charter reinforces and clarifies expectations on agencies to proactively release open government data.

Executive Summary

2. Government holds a vast amount of data on behalf of New Zealanders. This data is an immensely valuable system asset. Through increased availability, this data can be used by the private, public, and non-government sectors to drive innovation and contribute to economic, social, and environmental progress. Moreover, data can be used to provide information which supports public accountability and engagement with government.
3. Open data is data anyone can freely access, use, and share. It is data that is easily accessible, openly licensed, and available in a machine-readable format. Open government data is non-personal, unclassified, and non-confidential¹. Personal, confidential, and classified data, such as that held by the Security Intelligence Community, will remain protected.
4. It is proposed Cabinet agree to New Zealand adopting the International Open Data Charter. The key benefits of adopting the Charter are:
 - reinforcing New Zealand's continued commitment to open data
 - alignment with other leading open data countries²
 - providing agencies with a more modern and clear articulation of principles and supporting actions for accelerating the release of open government data.
5. The Charter supports and builds on the New Zealand-specific Declaration on Open and Transparent Government and the supporting Data and Information Management Principles. It reinforces the Government's existing expectations on agencies to be proactively releasing high value open data, and working towards an 'open by default' approach.
6. The Charter has been adopted by 45 national and local and subnational governments, including Australia and the United Kingdom. Adopting the Charter will enable Australia and New Zealand to have a commonly agreed framework for collaboration, and supports the Australian and New Zealand Prime Ministers' agreement to collaborate

¹ While open government data, including that about individuals, businesses, and organisations, is typically confidentialised, there are exceptions where consent has been provided or is provided for in legislation (e.g. Chief Executives' remuneration is published in the public interest).

² New Zealand is currently ranked seventh in the world (<http://opendatabarometer.org/>)

on public data initiatives and work together on data commitments as part of the Open Government Partnership (OGP)³.

7. Work required to implement the Charter is underway. Stats NZ, in its roles as the agency responsible for the Open Government Data Programme⁴ and system lead for data standards and infrastructure across the State Sector, will support agencies to accelerate release of open government data. Funding of \$7.2 million over the next three years, secured via the Budget 2016 Data and Analytics Contingency Fund, will provide increased training, resources, and practical assistance to support data management and release.

Background

8. Open data is data anyone can freely access, use, and share. It is data that is easily accessible, openly licensed, and available in a machine-readable format. Open government data is non-personal, unclassified, and non-confidential. Personal, confidential, and classified data, such as that held by the Security Intelligence Community, will remain protected.
9. Open data enables governments, the public, civil society, non-governmental organisations (NGOs), and the private sector to make better informed decisions. It presents opportunities to provide innovative evidence-based policy solutions; to support economic benefits through data-driven innovation; to support government digital service delivery; and achieve better outcomes for New Zealanders. Open data also contributes to greater government efficiency through improved information flows, making government decision making more transparent.
10. In August 2011, Cabinet agreed to adopt the Declaration on Open and Transparent Government (the Declaration) and the supporting New Zealand Data and Information Management Principles (the Principles) (CAB Min (11) 29/12 refers). The Declaration and Principles were developed in New Zealand for New Zealand settings, and committed all public service and non-public service departments to proactively release high value public data.
11. Stats NZ and the Department of Internal Affairs (DIA) are working collaboratively to address Commitments Three and Four of New Zealand's Open Government Partnership National Action Plan. These include reviewing the principles by which New Zealand releases its open government data and consider adopting the Charter⁵.
12. In their February 2017 Joint Statement, the Prime Ministers of Australia and New Zealand "... agreed that Australia and New Zealand will collaborate on public data initiatives to better align agendas, share lessons learnt on best practice, and work together on data commitments as part of the Open Government Partnership."
13. While progress has been made in releasing open data, there is much more that can be done. More than 5000 datasets from 136 organisations are now available through the all-of-government open data portal, data.govt.nz, collaboratively developed by Stats NZ and DIA. However, further work is required to ensure that release of open government data is an embedded practice.

³ [Joint Statement](#) by Prime Ministers the Rt. Hon Bill English and the Hon Malcolm Turnbull MP, February 2017

⁴ In March 2017, the Minister of Statistics agreed to transfer responsibility of the Open Government Data Programme from Land Information New Zealand to Stats NZ

⁵ [Open Government Partnership New Zealand National Action Plan 2016-18](#)

14. Open data release is difficult for many agencies. Many lack the capability and capacity to transform data into a state safe for open release. Further, release is often a secondary priority to primary statutory functions and responsibilities. Barriers to progress include funding limitations, insufficient resourcing, and immature data management processes⁶.
15. Stats NZ, in its roles as the agency responsible for the Open Government Data Programme and system lead for data standards and infrastructure across the State Sector, will support agencies to accelerate release of open government data. Funding of \$7.2 million over the next three years, secured via the Budget 2016 Data and Analytics Contingency Fund, will provide training and tools; support in identifying and prioritising data for release; and access to expertise and the provision of practical assistance.

International Open Data Charter

16. It is proposed that Cabinet agree to New Zealand adopting the International Open Data Charter. Adopting the Charter will signal New Zealand's continued commitment to open data, ensuring continued international alignment and providing a more up to date framework for accelerating the release of open government data and joint work with Australia.
17. The Charter was developed through a broad participatory process, which actively engaged governments and civil society worldwide. The Charter was officially launched at the September 2015 United Nations General Assembly.
18. Since its launch, the Charter has been adopted by 45 (17 national and 28 local/subnational) governments, including Australia, United Kingdom, France, and South Korea. Moreover, it has been endorsed by 33 civil society, business, and multilateral organisations, including IBM, the World Bank Group, the Open Knowledge Foundation, and the Open Data Institute.
19. The Charter supports and builds on the Declaration and Principles through addressing both the release and use of open data, and representing an important user/citizen-centric view. Moreover, the Charter aligns the release of open government data more fully with OGP.
20. The Charter is a non-binding agreement with six principles and supporting actions, mandating data should be:
 - open by default
 - timely and comprehensive
 - accessible and useable
 - comparable and interoperable
 - for improved governance and citizen engagement
 - for inclusive development and innovation.
21. The Charter's goal is to embed the culture and practice of openness in government to ensure accountability, transparency, resilience, and meeting increased user demands. It seeks to achieve these aims through:

⁶ [New Zealand Open Government Information and Data: 2015 Progress Report](#)

- promoting the comparability and interoperability of data for increased usage and impact
- acknowledging global challenges, such as the digital divide, and the significant opportunities of open data for inclusive development
- recommending standardisation (e.g. data and metadata)
- encouraging cultural change and work towards an ‘open by default’ approach
- recognising the importance of safeguarding the privacy of citizens and their right to influence the collection and use of their own personal data
- fostering increased engagement with citizens and civil society
- promoting increased focus on data literacy, training programmes, and entrepreneurship.

Benefits of adopting the International Open Data Charter

22. Coupled with new funding and increased support for agencies, it is expected the Charter will provide renewed impetus to accelerate the release of open government data. The Charter provides a blueprint for action, but on its own will not deliver change. The Charter provides agencies with clarity by reiterating existing requirements to release high value data, and providing specific requirements for what it means to manage and release open data. It will better assist agencies to prioritise the release of open data by providing principles that clarify standard best practice for releasing data and minimising common barriers to release.
23. Adopting the Charter will send a strong message to New Zealand’s data community, which reinforces the Government’s commitment to uphold best practice when implementing open data. It will support New Zealand’s position as an open data leader and ensure New Zealand remains internationally aligned. Further, adoption of the Charter supports the Australian and New Zealand Prime Ministers’ agreement to collaborate on public data initiatives and work together on data commitments as part of the OGP.
24. Adopting the Charter also strengthens connections with a coalition of governments and organisations committed to treating data as a resource for public good. These connections provide access to global networks of expertise. In return, New Zealand will build capacity and share technical expertise and experience with other governments and international organisations.

Implementation of the International Open Data Charter

25. Implementation of the Charter will occur as part of work underway to accelerate the release of open government data. It complements Stats NZ supporting agencies to realise more value from data; investment in the data.govt.nz portal; and the work of the Data Futures Partnership.
26. To deliver on OGP Commitments and outline the delivery of the approved open data budget initiative over the next three years, an Open Government Data Action Plan (the Action Plan) has been jointly-developed by Stats NZ and DIA. Stats NZ will work with public service and non-public service departments to refine the Action Plan to identify how implementation of the Charter’s principles will be advanced. An updated Action Plan will be published by 31 October 2017.

27. The Action Plan will outline how New Zealand will develop an enabling open data environment including: engagement with the public to understand demand for data, building capability within government to support data release, and empowering data innovators beyond government. It will also identify how New Zealand will meet specific provisions of the Charter, such as clarifying how the Official Information Act intersects with open data principles.
28. Adopting the Charter requires the appointment of a key agency and individual to serve as point of contact responsible for implementing the Charter's principles. The Government Statistician and Chief Executive of Stats NZ will be responsible for implementation of the Charter. This aligns with Stats NZ's mission to unleash the power of data to change lives, and with Stats NZ's role as system lead for data standards and infrastructure, as part of the Better Public Services 2 programme.
29. Stats NZ will be responsible for:
 - updating the Action Plan as the delivery mechanism through which the Charter will be operationalised. The Action Plan will be agreed between Stats NZ and agencies who are specifically impacted.
 - reporting publicly on progress to deliver specific actions in the Action Plan to demonstrate implementation of the Charter. An online dashboard to monitor the Government's overall progress to open data release and delivery of key enabling actions will be developed.
 - supporting agencies to release high value, in-demand datasets by providing training, tools, and support.
30. The release of open government data continues to be governed by the existing and complementary information management infrastructure, including the Public Records Act and the Chief Archivist, Privacy Act, Official Information Act, Chief Archivist, the Ombudsmen Act and the Ombudsman, the Government Chief Information Officer and the Government Chief Privacy Officer. Stats NZ will work collaboratively with these system actors to, more broadly, improve how data is managed, not just for open data.

Impact on agencies

31. Adoption of the Charter and implementation of its principles reinforces existing expectations on agencies to proactively release open data (CAB Min (11) 29/12 refers). The expectations on agencies will remain the same, in that public service and non-public service departments are directed; State Services agencies are encouraged; and other State Sector agencies are invited to commit to proactively releasing high value open data in accordance with the Charter, and to work towards an 'open by default' approach. The Charter provides agencies with greater clarity on what is required to meet existing commitments with a more modern and clear articulation of principles and supporting actions.
32. The Charter specifies in more detail how agencies should meet the requirement to release open data. This reflects data best practice. For example, it requires public service and non-public service departments to:
 - provide clear justification where data is not able to be released
 - consult with data users to prioritise the release of data
 - notify users when changes are intended to be made, and seek feedback to improve data quality
 - to the greatest extent possible follow standards to allow comparison and interoperability

- document data and ensure it is discoverable in a central portal (data.govt.nz) without requiring registration.
33. New funding of \$7.2 million, secured via the Budget 2016 Data and Analytics Contingency Fund, over the next three years enables an increased level of support for agencies. This supports implementation of the Charter and will include the provision of training and tools; support in identifying and prioritising data for release; access to expertise and 'flying squads' to provide practical assistance.
 34. Public service and non-public service departments will continue to be required to report annually on progress. This will measure each department's open data maturity, and enable them to determine where best to focus resourcing over the coming year to improve the quantity and quality of open government data release. Stats NZ will work alongside data system actors (e.g. Archives New Zealand etc.) to ensure alignment with existing monitoring and reporting functions.

Risks

35. Adoption of the Charter may increase public demand for open government data. This demand could exceed an agency's ability to meet open data requests. Agencies are encouraged to meet demand to the best of their ability and work with Stats NZ to engage with the wider data community to manage expectations.
36. Agencies are encouraged to take all available opportunities to increase access to the data they hold. Where they are investing in new data systems or re-engineering existing data processes, agencies are asked to build in open data requirements; for example, providing well-documented data in machine-readable formats aligned with accepted standards, and provide increased access to the data they hold. Where agencies hold data identified as being in demand by NGOs, community groups, or business, Stats NZ will work closely with the agency to develop a roadmap for release and provide support.
37. Under the current Declaration, all public service and non-public service departments are "directed" to commit to releasing high value open data. In contrast, Crown Research Institutes (CRIs) are "encouraged", while Local Government are currently invited to take a similar approach to release open data. A significant portion of the high value data identified so far is held by these entities. It is not the intention to change the requirement on CRIs and Local Government, but the new, non-binding Charter is designed to be applied to all levels of government. As part of work underway, Stats NZ will work closely with these entities to encourage release.

Consultation

38. The following agencies were consulted on this Cabinet paper: State Services Commission, Treasury, Department of Internal Affairs, Land Information New Zealand, Ministry of Foreign Affairs and Trade, Ministry of Business, Innovation and Employment, Ministry of Primary Industries, Ministry for the Environment, Ministry of Social Development, Ministry of Health, Inland Revenue, Ministry of Education, Ministry of Justice, Te Puni Kōkiri, and the Office of the Privacy Commissioner.
39. The Information Group and the Data Futures Partnership were consulted on the potential adoption of the International Open Data Charter.
40. Agencies within the Security Intelligence Community were not consulted on the potential adoption of the International Open Data Charter, as personal, confidential and classified data will remain protected.

41. The Department of the Prime Minister and Cabinet was informed.
42. During 2016, consultation was carried out with the open data community and across government on ways to accelerate the release of open government data. This indicated support for the Charter's adoption⁷.

Financial implications

43. Public service and non-public service departments are expected to meet the existing requirement to release high-value open data from baseline budgets. The Charter does not change the overarching requirement on agencies to release open data.

Human rights

44. These proposals are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Legislative and regulatory implications

45. There are no legislative or regulatory implications arising directly from this Cabinet paper.

Publicity

46. It is recommended that this Cabinet paper is proactively released on the Stats NZ and data.govt.nz websites, with appropriate redactions as would be justified if released under the Official Information Act. A press release announcing adoption of the Charter will be made at the appropriate time.

⁷ The Engagement Summary is available at: <https://data.govt.nz/assets/Uploads/Engagement-Summary-Open-Data-Charter.pdf>

Recommendations

It is recommended that the Committee:

1. **Note** that adoption of the International Open Data Charter is consistent with the existing Declaration on Open and Transparent Government and the New Zealand Data and Information Management Principles;
2. **Agree** to adopt the International Open Data Charter, reaffirming the Government's current commitment to actively release high value open data;
3. **Agree** that the Government Statistician and Chief Executive of Stats NZ will be responsible for implementation of the Charter;
4. **Note** that Stats NZ will develop an online dashboard to monitor the Government's overall progress to open data release and delivery of key enabling actions;
5. **Note** that public service and non-public service departments will be required to report on their open data progress each year;
6. **Note** that public service and non-public service departments will continue to fund this activity from their baseline budget;
7. **Note** the Minister of Statistics will release a public statement that articulates New Zealand's adoption of the Charter;
8. **Agree** that this Cabinet paper is proactively released on the Stats NZ and data.govt.nz websites, with appropriate redactions as would be justified if released under the Official Information Act.

Hon Scott Simpson
Minister of Statistics

____/____/____