

# Successful lobbying for PSI Re-use?

Submitted on 16 Oct 2009 by

Within the UK market, the Property search sector, where there is a critical interface between public sector data-holders and potential private sector re-users, shows the relationship between sectors at it's most confrontational.

Since 2002, we have witnessed specific high level lobbying of the UK Government. There are many reports & studies which have impacted upon this area of the market with the intention of promoting information re-user rights, good practice and clear & accountable charging. These include.

- OFT Property Searches Study 2005
- OFT Commercial Use of Public Sector Information Report 2007
- ODPM Personal Search Guidelines 2005
- DCLG Personal Search Guidelines 2007
- CIPFA Property Searches Charging study 2006
- DCLG (KPMG) Charges for Property Searches Study 2008

At a high level, the proliferation of reports, studies and PSI related activities indicate a degree of success in lobbying for information rights **BUT** the harsh realities of information trading tell a different story.

The OFT Property Search Study although rightly viewed as groundbreaking in its scope – has largely failed to alter the working & trading relationships which exist between data holders and data re-users.

The Personal Search Good Practice guidelines (2005 & 2007) have often been ignored and where changes have occurred, the perception is that these have often been of a negative nature with public sector attitudes becoming more entrenched & hard line.

The CIPFA Charging study (withdrawn following concerns from within the private sector) led to the DCLG (KPMG) (Charges for Property Searches) Study. This study **HAS** changed the relationship field, although not necessarily in the manner initially envisaged by private sector trade associations & interests.

- Improved access (where same exists) has come at greatly increased levels of bureaucracy
- New Charging powers have been imposed where previously there had been no charging
- Rationing of access rights by public sector data holders continue to exist with greater delays & restrictions being evident now than before the publication of the KPMG Study
- Local Authorities (who are the main data – holders in this market sector) continue to ignore the solutions provided by OPSI – (Click Use Licensing, IFTS and Licensing Forums).
- The sheer scale of differential charging across all 412 District & County Level Authorities is astounding with 92 fee levels ranging from £6 to £67.00 being imposed for a **standard** information report (LLC1).
- A similar scenario has recently occurred with Building Regulations information where new charging rights introduced under the KPMG Study have resulted in a) Differential Fees for information which range from 0 to £38; b) Examples where each of the LA's have initiated their own particular level of Bureaucracy determining the manner in which information can and cannot be requested, gathered & collected; c) Where (even in the 21<sup>st</sup> Century) an inordinately high % of the LA's are unable or unwilling to accept instructions or provide replies by email.

There is also much recent concern in the property search market with regards the case of Birmingham City Council where a statutory dataset of Adopted Highways (**which has always been provided free of charge via access rights granted under Section 36(6) of the Highways Act 1980**) is from October 26<sup>th</sup> to be charged out at a cost of £23.05 per individual property search via a Licensing arrangement. Interestingly, this charge will not be applied to the search report services produced by Birmingham City Council and which has led to suggestions that this represents a clear abuse of monopolistic position. The proposed License does not in any event, accord with the Click Use License model pioneered by OPSI and there is much concern within the property search sector that unless successfully challenged, a precedent will be set and other Local Authorities will follow suit in introducing further charging regimes.

In summing up, whilst there has been some success in terms of high level lobbying for re-use rights, it would be prescient of Public Sector Data Holders to understand that the increasingly high cost burden being imposed on participants in the property information market **WILL** fall eventually on to the homeowner. It is however a matter of some concern, that irregular, inconsistent and ill considered charging schemes are being introduced to the market and may ultimately threaten the tenuous success of one of the governments key mandated policy themes – Home Information Packs.