

Government 2.0 Issues Paper

How you should use this Issues Paper

We want to hear the arguments, information and stories that you have to tell us. The rest of this document is simply our way of helping you do that. It is not a template that you should feel obliged to follow, though we hope that this paper helps. There may be questions you wish to address that are not here, just as there may be questions we have raised you do not wish to address.

Also, please note, our focus in this Issues Paper is on your making a written submission. You can find details about how to make a submission at Appendix 1.

As you may be aware, there are other channels by which you can communicate with us. You can comment on our blog at www.gov2.net.au and members of both the Taskforce and its secretariat are attending various conferences and other activities where Government 2.0 will be discussed. You are welcome to attend.

You can provide the Taskforce with feedback at any time, for instance through our blog, but we cannot promise to consider submissions which we receive after . . .

Our Job

The Taskforce is charged with finding ways of accelerating the development of Government 2.0 to help government consult, and where possible actively collaborate with the community, to open up government and to maximise access to publicly funded information through the use of Web 2.0 techniques. We will do this with recommendations for government policy and also by funding projects which offer promise in accelerating the coming of Government 2.0.

The Terms of Reference of the Taskforce are at Appendix 2.

Why Government 2.0?

The aim of Government 2.0 is to make government information more accessible and useable, to make government more consultative, participatory and transparent, to build a culture of online innovation, and promote collaboration across agencies in online and information initiatives.

There are obvious benefits in moving in this direction. Ideally citizens should be able to collaborate with government and each other in developing and considering new policy ideas. Online engagement can also give citizens greater insight into the policy making process and greater appreciation of the complexities of policy decisions. It makes possible an ongoing conversation amongst all who wish to participate in considering the effectiveness of existing government programs, laws and regulations and the scope for improvement. Government can use collaborative technologies to draw on the skills, knowledge and resources of the general community when developing policies or delivering services. Agencies can receive feedback more rapidly, from more people at less cost.

How will we achieve Government 2.0?

Governments around the world and certainly our own governments have been relatively good at seizing many of the opportunities provided in the first incarnation of the internet, now often called Web 1.0, that is the use of the internet as a platform to distribute public material and solicit information from stakeholders by way of online 'feedback forms'. Indeed in 2009 the internet became citizens' preferred means of interacting with government.

However a range of possibilities are emerging on the internet which have been dubbed Web 2.0. The revolutionary potential of Web 2.0 is apparent in websites like Google, Flickr, Facebook and Wikipedia. The central theme of Web 2.0 is moving from point to point communications to many to many communication and collaboration.

There is a buzz of Web 2.0 in the community and amongst enthusiasts who post to blogs and sites like Flickr and join online discussions.

Governments across Australia have taken some interest in the applications of Web 2.0 to government. However compared with the speed of adoption of Web 2.0 tools and modes of operating in some quarters, progress in embracing Web 2.0 within government has been modest.

Key Question

On public sector information

How can we build a culture which favours the disclosure of public sector information within government?

What government information should be more freely available and what might be made of it?

On digital engagement

What are the major obstacles to fostering a culture of online engagement within government and how can they be tackled?

How can government capture the imagination of citizens to encourage participation in policy development and interactive consultation with government?

Introduction

A number of reviews and processes have pointed to the importance of greater dissemination and reuse of public sector information and greater online engagement with citizens/between governments/between governments and citizens. At the Australian Government level, for example, these include the Cutler Review into Innovation¹, and the Gershon Review into ICT use and management². Some State governments have also been making important strides. Most recently the Victorian Government has released its *Report of the Economic Development and Infrastructure Committee on the Inquiry into Improving Access to Victorian Public Sector Information and Data*, Parliamentary Paper No. 198 Session 2006-2009, June 2009.³

Proposed legislative change, including proposals for the establishment of an Office of the Information Commissioner and amendments to Freedom of Information legislation to impose a publication scheme on all agencies underpin an agenda of greater public access to government information.

Many government agencies are currently involved in aspects of information policy development. Many are also exploring the use of new tools and techniques to improve the way they work. The Taskforce seeks to build on this work and to accelerate the change to allow more open access to, and use of, the information created and/or funded by government. Equally important, the Taskforce will explore the issue of effective consultation, engagement and collaboration with citizens. This work will inform the framework for an Information Policy that can be applied across the Australian Government.

In this paper we elaborate on issues relating to public sector information. We have covered these at greater length than other issues under reference because there has been greater policy development in this area compared with innovation and online engagement. The relatively smaller space devoted to the latter themes in this issues paper does not signal that we view them of lesser importance.

¹ <http://www.innovation.gov.au/innovationreview/Pages/home.aspx> or <http://tinyurl.com/6713vm>

² <http://www.finance.gov.au/publications/ICT-Review/index.html> or <http://tinyurl.com/484zyz>

³ http://www.parliament.vic.gov.au/edic/inquiries/access_to_PSI/final_report.html or <http://tinyurl.com/r834kx>

OECD Principles for public sector information

In April 2008 the Organisation of Economic Co-operation and Development (OECD) Council, adopted the *Recommendation of the OECD Council for enhanced access and more effective use of public sector information*.⁴ (Australia is a member of the OECD and was a participant in and a signatory to the Recommendation). It recommends that member countries “in establishing or reviewing their policies regarding access and use of public sector information...take due account of and implement the following principles, which provide a general framework for the wider and more effective use of public sector information and content and the generation of new uses from it.”

The Taskforce acknowledges these principles and intends to use them as a starting point for that part of our work relating to public sector information. Our focus then becomes how we realise those principles as fully as possible in the practical operations of government.

If you feel that those principles detailed below are inadequate for any reason, either because they are too strong or too weak, too vague or too specific, if you feel they can be improved upon, please tell us as clearly as you can why and how they can be improved.

1. **Openness.** Maximising the availability of public sector information for use and re-use based upon presumption of openness as the default rule to facilitate access and re-use. Developing a regime of access principles or assuming openness in public sector information as a default rule wherever possible no matter what the model of funding is for the development and maintenance of the information. Defining grounds of refusal or limitations, such as for protection of national security interests, personal privacy, preservation of private interests for example where protected by copyright, or the application of national access legislation and rules.
2. **Access and transparent conditions for re-use.** Encouraging broad non-discriminatory competitive access and conditions for re-use of public sector information, eliminating exclusive arrangements, and removing unnecessary restrictions on the ways in which it can be accessed, used, re-used, combined or shared, so that in principle all accessible information would be open to re-use by all. Improving access to information over the Internet and in electronic form. Making available and developing automated on-line licensing systems covering re-use in those cases where licensing is applied, taking into account the copyright principle below.
3. **Asset lists.** Strengthening awareness of what public sector information is available for access and re-use. This could take the form of information asset lists and inventories, preferably published on-line, as well as clear

⁴ <http://www.oecd.org/dataoecd/0/27/40826024.pdf> or <http://tinyurl.com/kpgova>.

presentation of conditions to access and re-use at access points to the information.

4. **Quality.** Ensuring methodical data collection and curation practices to enhance quality and reliability including through cooperation of various government bodies involved in the creation, collection, processing, storing and distribution of public sector information.
5. **Integrity.** Maximising the integrity and availability of information through the use of best practices in information management. Developing and implementing appropriate safeguards to protect information from unauthorised modification or from intentional or unintentional denial of authorised access to information.
6. **New technologies and long-term preservation.** Improving interoperable archiving, search and retrieval technologies and related research including research on improving access and availability of public sector information in multiple languages, and ensuring development of the necessary related skills. Addressing technological obsolescence and challenges of long term preservation and access. Finding new ways for the digitisation of existing public sector information and content, the development of born-digital public sector information products and data, and the implementation of cultural digitisation projects (public broadcasters, digital libraries, museums, etc.) where market mechanisms do not foster effective digitisation.
7. **Copyright.** Intellectual property rights should be respected. There is a wide range of ways to deal with copyrights on public sector information, ranging from governments or private entities holding copyrights, to public sector information being copyright-free. Exercising copyright in ways that facilitate re-use (including waiving copyright and creating mechanisms that facilitate waiving of copyright where copyright owners are willing and able to do so, and developing mechanisms to deal with orphan works), and where copyright holders are in agreement, developing simple mechanisms to encourage wider access and use (including simple and effective licensing arrangements), and encouraging institutions and government agencies that fund works from outside sources to find ways to make these works widely accessible to the public.
8. **Pricing.** When public sector information is not provided free of charge, pricing public sector information transparently and consistently within and, as far as possible, across different public sector organisations so that it facilitates access and re-use and ensures competition. Where possible, costs charged to any user should not exceed marginal costs of maintenance and distribution, and in special cases extra costs for example of digitisation. Basing any higher pricing on clearly expressed policy grounds.
9. **Competition.** Ensuring that pricing strategies take into account considerations of unfair competition in situations where both public and business users provide value added services. Pursuing competitive neutrality,

equality and timeliness of access where there is potential for cross-subsidisation from other government monopoly activities or reduced charges on government activities. Requiring public bodies to treat their own downstream/value-added activities on the same basis as their competitors for comparable purposes, including pricing. Particular attention should be paid to single sources of information resources. Promoting non-exclusive arrangements for disseminating information so that public sector information is open to all possible users and re-users on non-exclusive terms.

10. **Redress mechanisms:** Providing appropriate transparent complaints and appeals processes.
11. **Public private partnerships.** Facilitating public-private partnerships where appropriate and feasible in making public sector information available, for example by finding creative ways to finance the costs of digitisation, while increasing access and re-use rights of third parties.
12. **International access and use.** Seeking greater consistency in access regimes and administration to facilitate cross-border use and implementing other measures to improve cross-border interoperability, including in situations where there have been restrictions on non-public users. Supporting international co-operation and co-ordination for commercial re-use and non-commercial use. Avoiding fragmentation and promote greater interoperability and facilitate sharing and comparisons of national and international datasets. Striving for interoperability and compatible and widely used common formats.
13. **Best practices.** Encouraging the wide sharing of best practices and exchange of information on enhanced implementation, educating users and re-users, building institutional capacity and practical measures for promoting re-use, cost and pricing models, copyright handling, monitoring performance and compliance, and their wider impacts on innovation, entrepreneurship, economic growth and social effects.

Structure of paper

The remainder of this paper discusses OECD principles and additional principles as they relate to online innovation and engagement.

- Principles for openness and access (OECD principles 1-3, 6, 10)
- Principles for quality and integrity of information (OECD Principles 4 and 5.)
- Principles to maximise efficiency in production and distribution of information (OECD principles 7-9, 11-13)⁵
- Maximising the potential of Government 2.0

⁵ Note: not all OECD principles are expanded on below as some are much more central to our concerns than others. However the Taskforce still welcomes comment on any or all of the principles.

Principles for openness and access

Open access to public sector information⁶ is generally agreed to be beneficial to our economy and society and to be the preferred approach. By openness and access, we refer to the making available of appropriate categories of public sector information on terms and in formats that permit and enable use and reuse of that information by any member of the public. However, we recognise that there are limits to this principle of open access, namely to respect privacy, confidentiality, security and possibly cost recovery concerns.

For the purposes of this issues paper public sector information is taken to exclude personal information that would not be available for publication or reuse under Australian privacy laws, or other legislation. It might include such information if it were adequately transformed to address any concern, for instance by anonymising it.

Another issue is how widely policies to optimise the openness of public sector information should apply across government. The recent Victorian Parliamentary inquiry proposed that public sector information policy should apply to government departments only, at least for an initial period, although it suggested that it may be appropriate to expand this coverage over time. We would be interested to hear arguments for and against restrictive and more expansive application of policies to optimise the openness of public sector information and, where a broader definition is supported, how this might relate to information that is commercially sensitive.

- **Question 1:** How widely should policy to optimise the openness of public sector information be applied. Should it be applied beyond government departments and, if so, to which bodies, for instance government business enterprises, statutory authorities?

Openness (OECD principle 1)

The OECD recommends that the presumption of openness should be the default rule, and this has been backed by recent moves in the Australian Government. Proposed changes to the *Freedom of Information Act 1982* (FOI Act) aim to make it easier to obtain documents under FOI legislation, in part by emphasising the presumption of openness. FOI Act changes also aim to encourage the release of information through a publication scheme and otherwise outside that Act. Proposed changes to the Archives Act bring forward the time at which government records come available under that Act from 30 to 20 years. These changes are backed by the proposed creation of an Information Commissioner and Freedom of Information Commissioner.

⁶ The OECD Council defines public sector information in its Recommendation for enhanced access and more effective use of public sector information as “information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institution”, taking into account the legal requirements and restrictions referred to in the last paragraph of the preamble of this Recommendation.”

<http://www.oecd.org/dataoecd/0/27/40826024.pdf>

These legislative changes are a significant move in the direction of accessibility of government information.

One of the major barriers to achieving greater accessibility has been the lack of a pro-disclosure culture within government. Privacy, national security and confidentiality issues will properly prevent the release of some information, but this should not inhibit the release of other non-sensitive information.

- **Question 2:** What are the ways in which we build a culture which favours the disclosure of public sector information within government? What specific barriers exist that would restrict or complicate this and how should they be dealt with?
- **Question 3:** What government information would you like to see made more freely available?

Access and transparent conditions for re-use (OECD principle 2)

Government agencies currently make a large amount of information available on their websites, and much more could be made available freely on the internet. However, technological, copyright and licensing issues tend to restrict the way that this information can be made available and used by the public.

Making government information accessible online, particularly in standard formats such as XML, CSV, ODF etc allows those outside government, whether they are citizens, firms or third sector organisations, to combine, present and analyse this information in different ways, creating both public and private benefits.

- **Question 4:** What is needed to make the large volume of public sector information (a) searchable and (b) useable? And in each case, what do we do about legacy information in agencies? How might the licensing of on-line information be improved to facilitate greater re-use where appropriate?

Data.gov

The US Government has recently established the Data.gov website to increase public access to high value, machine readable datasets generated by the Executive Branch of the Federal Government.

Data.gov includes searchable data catalogues providing access to data in three ways: through the "raw" data catalogue, the tool catalogue and the geo-data catalogue. The raw data and the Geo-data catalogues are provided in CVS, XML, KML or SHP formats. The Tools Catalogue includes pre-packaged data sets such as look-up tables.

The stated goal of Data.gov is to improve access to Federal data and expand creative use of those data beyond the walls of government by encouraging innovative ideas (e.g., web applications). Another objective is to make government more transparent by creating an unprecedented level of openness.

Ensuring discoverability - asset lists (OECD principle 3)

How could information be made more accessible?

- **Question 5:** How does government ensure that people, business, industry and other potential users of government information know about, and can readily find, information they may want to use, for example, the use of a consolidated directory or repository for public sector information?

New technologies and long-term preservation (OECD principle 6)

Some national and sub-national governments have mandated that all information must be accessible and archived in formats that are publicly open standards. Thus such formats like Open Document Formats (ODF) have been preferred to proprietary formats such as DOC.

- **Question 6:** Should governments mandate that information should be only kept and archived in open and publicly documented standards? Could such a stipulation raise costs or reduce flexibility?

It should be possible to share the benefits and knowledge gained from online and information initiatives across government. However, this largely depends on the interoperability of information and business architectures between government agencies and between them and their users.

Interoperability in turn depends on a range of factors including the adoption of standards and definitions for recording information to enable it to be shared.

- **Question 7:** What approaches should the Government use to allow information to be easily shared?

In addition, there are many online and information initiatives being trialled across government agencies. A variety of online tools, technologies and platforms are being tested and used. In the Web 2.0 sphere, these include the use by agencies of blogs, YouTube, Flickr and Facebook.

Some additional principles outlined in an exploration of the issues relating to the use of Web 2.0 by Tim O'Reilly⁷ include the following.

- Support lightweight programming models that allow for loosely coupled systems.
- Cooperate, Don't Control
- Design for hackability and remixability.

⁷ <http://www.oreillynet.com/pub/a/oreilly/tim/news/2005/09/30/what-is-web-20.html> or <http://tinyurl.com/7tcjz>

- Network Effects by Default
- The Perpetual Beta

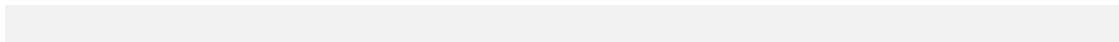
- **Question 8:** How can the initiatives and ideas of agencies be harnessed for the benefit of agencies across government? How can duplication of effort be avoided?

Redress mechanisms (OECD principle 10)

Making government information available online increases the risk of unintentional or inappropriate release of information that may damage an individual or business. If that information is then re-used, it may lead to proliferation of the harm.

Formal complaints and appeals processes already apply across the Australian Government. Depending on the specific circumstances, a person has redress, for example, to appeal mechanisms in the FOI Act, the complaints mechanisms in the Ombudsman or Privacy Commissioner, or judicial mechanisms in the *Administration Decisions (Judicial Review) Act 1977*.

- **Question 9:** Are these complaints and appeals processes sufficient? Are additional processes needed for government as it engages in the Web 2.0 world?



Privacy

It is significant that the Government is in the process of introducing legislation to include the Office of the Privacy Commissioner under the jurisdiction of a newly appointed Information Commissioner and also to appoint a Freedom of Information Commissioner, who along with the Privacy Commissioner, would report to the Information Commissioner. These initiatives illustrate the complex relationship and tension between protecting the privacy of individuals and opening access to Public Sector Information (PSI).

It is often assumed that most PSI would not be “personal information” as defined in the Privacy Act. However this does not mean that there are no privacy issues or risks associated with open access to PSI. Information from which only name and address has been removed, may still fall under the definition of “personal information,” as an individual’s identity may still be reasonably ascertainable from the information.

Re-identification of personal information is usually context-sensitive. An organisation’s capacity to re-identify data may depend critically on its particular resources, or changing priorities. Factors which may impact on the capacity for data to be re-identified include available data, new technologies, resources, and social or political imperatives for access to new or different types of data. Combining unrelated datasets, now or in the future, may create the environment for more intrusive profiling, data-linking or data-matching of individuals’ personal information.

It is important to understand that there are several dimensions to privacy. A well established typology of different forms of privacy is:

- Information privacy - involving rules for the handling of personal information
- Bodily privacy - protection of our physical selves against invasive procedures
- Privacy of communications - security and privacy of mail, telephones etc
- Territorial privacy - setting limits on intrusions into domestic and other environments.

There are also privacy risks and issues relating to digital engagement, particularly around moderation, consent to publish and anonymity. For example, in respect to post-moderation, there is the risk that a participant may identify and provide information about another individual, which is published without that individual’s knowledge or consent. This may constitute a breach of the Privacy Act by the relevant agency and provide grounds for a complaint to the Privacy Commissioner by the individual whose personal information has been disclosed. This risk is not different in kind to existing risks, but the immediacy and ubiquity of the internet increases its likelihood considerably.

There may also be other unidentified privacy risks and issues related to the agenda of the Government 2.0 Task Force. Best privacy practice involves conducting Privacy Impact Assessments (PIA) for initiatives that may impact on the privacy of individuals. How to apply PIAs and comply with the Privacy Act 1988 regarding PSI and digital engagement initiatives may require special consideration and advice from the Privacy Commissioner and consultation with other relevant organisations such as the Australian Privacy Foundation.

It should also be understood that best privacy practice is not limited to merely complying with the Privacy Act.

Principles for quality and integrity of information

Quality and integrity (OECD principles 4 and 5)

The fundamental importance of good recordkeeping to ensure transparent and accountable government has been widely recognised, as has the part played by failures in recordkeeping in many inquiries and audit reports.

- **Question 10:** What should government do to foster a culture of compliance with information and records management policies and best practice?
- **Question 11:** What recordkeeping challenges are posed by both the re-use of government information, and in the mechanisms of development of government policy and practice through interactive citizen engagement?

There is rich potential in this area for perverse outcomes. Agencies frequently cite concerns about the integrity of their information as a reason for their reluctance to release it. And the perfect can be the enemy of the good. On the one hand mandating the release of information might be one way of ensuring that agencies have an incentive to maintain its quality and integrity. On the other hand the release of some information (with an appropriate disclaimer as to quality) may often, but not necessarily always, be better than not releasing it at all.

- **Question 12:** How does government manage the costs and risks of publication of inaccurate information?

An important aspect of quality (and integrity) is the provision of information ('metadata') that describes the quality of information, so that users can determine whether it is 'fit for purpose' in terms of their proposed use of the information. For example, knowing the source of the information, the checks the information has been subject to, and any other factors that might affect accuracy, can help users know how the information might be used appropriately and equally important, the hazards in using it improperly.

Users may be able to interact with government information providers to better understand the information (and therefore increase the likelihood that the information will be used appropriately) or to express concerns about aspects of the information.

Citizens will have an expectation of the responsiveness of government to deliver information, but citizens also expect government information to be of high quality and integrity.

- **Question 13:** What criteria might we adopt in ensuring that agencies make data available in a reasonable time-frame? (And how might we define a "reasonable time-frame")

Timeliness

Timeliness is a particularly important matter. From at least the late 1970s the ICT revolution has been driven by firms that have made felicitous tradeoffs between the quality of their offering and getting their product to market. Too early and the market could turn against a product for the number of bugs and other errors which frustrate users. Too late and the market has moved on.

This was the case even before 'Web 1.0' as summarised in Steven Jobs' arresting comment "True genius ships". But it is particularly so in the world of Web 2.0 where it is now quite normal to provide users with comprehensive access to beta products and indeed to leave them designated as beta products for many years. G-mail only recently moved out of beta after five years as a mainstream consumer product.

The issue raises its head particularly in the area of data where government agencies delay publication to ensure data integrity anxious either from a natural desire to do their job properly, or to minimise risk, or to meet standards internally mandated within government. In the meantime, as we saw in the case of the Victorian fires, valuable information however imperfect goes unpublished.

- **Question 14:** It often takes quite some time to compile and create consistent and reliable data - especially for large data sets. When is it appropriate to release limited and possibly less accurate data and where is it appropriate to wait for higher quality and more extensive data? Where various principles are in some tension with each other, for instance quality and cost or timeliness, how should trade-offs be made?

Principles to maximise efficiency in production and distribution of information

Copyright (OECD principle 7)

It is hoped that, through strategic management of copyright and new Web 2.0 licensing tools like Creative Commons⁸, we can more easily provide the necessary permission to promote better access to and reuse of public sector information. In the short term this means using current copyright law and practice to do a better job and in the longer term assessing the appropriateness of existing copyright law for a digital environment and any changes that should be made to address problems.

- **Question 15:** What can we do to better promote and co-ordinate initiatives in this area? How can we draw key departments together?
- **Question 16:** What sort of public sector information should be released under what form of copyright license? When should government continue to utilise its intellectual property rights?

Pricing and Competition (OECD principles 8-9)

There is currently a mixed approach across government to the pricing of information. In the electronic world, the marginal costs of providing information are lower than in a paper-based environment, which could suggest that different pricing approaches might be appropriate. Furthermore, information is often considered as a 'public good', which also might impact on thinking about appropriate pricing policies.

- **Question 17:** When should agencies charge for access to information? Should agencies charge when they are providing value-added services? What might constitute 'value added services' (eg customisation of information)? In what circumstances should agencies be able to recover the costs of obtaining the information or providing access? A common model in the private sector is 'freemium' distribution whereby many, often most, users are supplied with some product or service for free whilst others pay for use in large scale large scale commercial enterprise (for instance AVG anti-virus) or for some premium product (for instance Word Web). Are there similar models for public sector information and/or do they merit further consideration?

Public private partnerships (OECD principle 11)

Public-private partnerships might provide a way to make public sector information more readily available, for example by financing the costs of digitisation.

⁸ Creative Commons seeks to support the building of a richer public domain by providing an alternative to the automatic "all rights reserved" copyright, dubbed "some rights reserved, i.e. reasonable, flexible copyright (from Wikipedia)

- **Question 18:** How can government take advantage of public private partnerships to increase access to public sector information without unduly constraining opportunities for third parties to use and reuse the information?

International access and use (OECD principle 12)

Many government agencies are involved in cooperative international programs and liaison. There are advantages to government in guiding interoperability and compatibility in dataset formats so as to ensure the most efficient and effective use of information.

- **Question 19:** What international activities relevant to this Taskforce should the Taskforce be considering and what needs to be done to improve cross-border use and interoperability of information?

Best practice (OECD principle 13)

- **Question 20:** How can best practice be facilitated, identified, rewarded, and further propagated?

Maximising the potential of Government 2.0

Fostering more consultative and collaborative online engagement in Government

There are obvious benefits to government in using collaborative technologies to draw on the skills, knowledge and resources of the general community when developing policies or delivering services. In many situations, much of the expertise, experience and deep knowledge that governments need to make good decisions about increasingly complex or 'wicked' problems exists outside government. New possibilities are emerging to link highly distributed networks of knowledge and expertise quickly and securely to focus on shared opportunities or problems to be solved.

But beyond that, online engagement creates at least the potential to 'democratise' public administration and policy development by offering a much richer mix of spaces in which people can talk, listen, debate, argue and contribute their ideas and aspirations to the public conversation.

Online engagement in that sense, holds out the promise of mutual learning.

- **Question 21:** Have you engaged with the Australian government via a Web 2.0 channel? Which ones? If so, why and what was your experience? If not, why not? What can be improved?

Go to Where the People are

A major finding of the UK Power of Information reports is that Government consultation efforts can be greatly enhanced by consulting with existing interest groups in their online communities, such as netmums.com. A similar approach involves employing social networks and existing forums and blogs to target a different audience than would normally respond to a traditional government consultation. In Australia a recent example of this was the use of the Open Forum blog by Father Frank Brennan⁹, the Chair of the Human Rights Consultative Committee to engage netizens on questions relating to the consultation.

Increasingly agencies are combining traditional modes of consultation with Web 2.0 features and applications to enhance the visibility, promotion and interactivity of Government online consultation efforts. These include:

- promoting a consultation on social networks such as Facebook;
- blogs;

⁹ <http://www.openforum.com.au/NHROC>

- using videos either hosted on the consultation site or on a third-party site such as YouTube, and
- including RSS feeds on the consultation site.

Inclusion

The benefits of online engagement will be realised best if as wide a range of citizens as possible are involved. However, some people may be uncomfortable with this type of interaction with government.

- **Question 22:** How can government capture the imagination of citizens to encourage participation in policy development and interactive consultation with government?

Government is subject to additional obligations to ensure that all levels of our community are able to access its services. Government must consider those citizens who are excluded from online engagement for various reasons, e.g. lack of access to technology, disability, health barriers, lack of computer-literacy, lack of English, lack of literacy, etc. Many of these issues are currently not adequately addressed by commercially available and popular online platforms.

Governments have generally mandated minimum accessibility standards which can create obstacles to using some of the leading Web 2.0 platforms where they do not conform with those standards.

- **Question 23:** How can government make it easier for people to engage on policy and other issues and make sure the opportunities are as open and accessible as possible?
- **Question 24:** What trade-offs must be considered between government using commercially available and popular online platforms and ensuring inclusive participation with all members of society and how should those tradeoffs be made?

Apps for Democracy Competition

The 2008 Apps for Democracy¹⁰ competition was an initiative of the District of Columbia's Office of the Chief Information Officer. The competition involved members of the public making an application using data from the 277 datasets made available by the District of Columbia.

There was a total of \$US20,000 in prize money on offer, spread over 60 cash prizes ranging from \$US100 to \$US2000. The competition ran for 30 days and received 47 entries including web, Facebook and iPhone applications. Entries were divided into two categories: entries by professional agencies, and "indie" entries by individuals and groups of individuals.

Entries included a large number of geospatial mash-up applications making use of available datasets. The competition was viewed as an unqualified success by the D.C. government, as it cost \$US50,000 to run, but provided a claimed \$US2.6 million in value to the city through the created applications.

Online engagement challenges for Government

Australian Government efforts in online engagement have been crafted to comply with the Australian Public Service values, set out in section 10 of the *Public Service Act 1999*. These require that public servants to act in an apolitical, impartial and professional way.

The Australian Public Service Commission also recently released interim protocols for online media participation by public servants¹¹. There are a number of other legislative restrictions on what information can be disclosed by public servants. This has an impact on how free government agencies and public servants are to experiment with online consultation, since agency websites must be impartial and apolitical. This may affect the extent to which they can enter into meaningful discussion with the public.

- **Question 25:** How can public servants comply with the APS values and other protocols whilst still participating in online engagement? Should existing rules including legislation be changed and/or adapted to facilitate greater online engagement?

Moderation

Government collaborative websites such as blogs generally require moderation. This involves time and labour cost. Third-party moderation tools and services are

¹⁰ <http://www.appsfordemocracy.org/>

¹¹ <http://www.apsc.gov.au/circulars/circular088.htm> or <http://tinyurl.com/pgxgcb>

available. The process of moderation should be transparent, with the principles and parameters of the editorial control specified. This is good practice in all online jurisdictions.

Online consultations seeking input from the public can be at risk of agenda hijacking and the derailment of discussion. Thus for instance when the Obama Administration held online consultations on what the new Administration's new priorities should be, the legalisation of marijuana was voted the most important priority. More recently one of the most prominent priorities has been the release of Barack Obama's birth certificate.

While it is appropriate that views about which people feel strongly are aired, it is also important for there to be an ability to 'agree to disagree' and get on with the process of using the strengths of online engagement to improve policy development without being diverted by the attention given to symbolic issues or to lowest common denominators in policy.

- **Question 26:** How does government allow sufficient room for personal debate and passionate dissent but still ensure appropriate levels of moderation in online forums?

Fostering a culture of online innovation within government

New collaborative technologies are emerging all the time. These new technologies can improve the efficiencies of Government internally and can also alter and (hopefully) improve external-facing relations, particularly government-citizen engagement.

Innovation challenges for Government

Governments face responsibilities that are not always shared by the private sector or members of the broader community. Their conduct is expected to be above reproach. They are expected to be a trustworthy source of information and/or advice and they face a number of self-imposed obligations to ensure access and equity.

Recognising this, there are a number of potential challenges to Government making effective use of these new collaborative technologies.

- access to many of these platforms may be blocked or considerably constrained for public service officials
- the potential of these tools may conflict, in real or imagined ways, with the rules, policies and practices that apply to the public service
- the greater immediacy, transparency, accountability and informality they introduce into our communications may be directly contrary to the prevailing government practice
- public servants may be concerned about being 'overwhelmed' by the potential volume of activity that might arise from the new collaborative

technologies, particularly when there is an expectation that governments will respond to all issues raised by citizens

- awareness of the new technologies and the opportunities that they offer may delay their adoption.

The use by government of collaborative platforms is a relative new phenomenon and may require a rethink of applicable rules, policies and practices. It also requires the development of social and online norms in government-citizen relations. As one commentator noted in discussion about one blogging effort by the Australian Government:

It's probably worth remembering: as untried as government consultation blogs are at the federal level in Australia, so too are citizens unused to being able to engage with their government in this way. They may be new at it, but so are we - and both sides still have a lot to learn about the other."

Cultural barriers may constrain the adoption of collaborative tools and the newness of the approach may generate trepidation and dissuade uptake within the public sector.

- **Question 27:** What are the barriers to fostering a culture of online innovation within government? Which of those barriers should be maintained in any Government 2.0 initiatives? Which of those barriers should be removed? How should this be achieved? What different norms can or should apply to Government 2.0 efforts?
- **Question 28:** How can government engage with individuals and stakeholders to support the development of innovative policies, programs, practices and service delivery? Are there good examples of where this is happening?

For profit firms often use the rich data they harvest from their existing information assets and their ongoing presence on the web to guide their own innovation, measuring consumer reactions to many small scale experiments and optimising operations, for instance the design of a website, in response to this feedback.

- **Question 29:** To what extent can we promote such an approach in the public sector and are there any examples of emerging practice?

Risk management

It is a cliché that public sector managers – and possibly the Ministers to whom they report -- are risk averse. But often they are not so much risk averse as innovation averse. That is, there is a high 'burden of proof' against doing something differently even where it involves relatively low risks.

Sometimes this is because it is simply more comfortable to do things the way they've always been done. In other circumstances, some argue that specific professions can be set in their ways. There may be some wisdom in this given the complexity of

existing systems and the possibility of unanticipated consequences, particularly where these consequences may be political. These decisions are often heavily influenced by experts.

- **Question 30:** How can such expertise be governed so as not to unduly stifle innovation?

In comparison to many large commercial enterprises, public sector agencies in the main adopt quite restrictive practices in allowing staff access to Web 2.0 tools, social networking sites and even webmail. Most agencies simply ban access to these sites. One of the reasons often used to justify this position is the need to protect internal IT systems from exposure to threats from the internet. Highly prescriptive and centrally mandated security policies are often rigorously applied. Given the low risk culture of the public sector, it is difficult to see how agencies wishing to enter into the Web 2.0 world will be able to argue that the benefits to citizens, and to the operations of the agency, are of sufficient value to offset an exposure which cannot easily be assessed. Clearly the risks to agencies will vary depending on the nature of their business. It is unlikely that technology alone will solve this challenge.

- **Question 31:** To what degree is the opportunity for Government agencies to participate in the Web 2.0 world inhibited, or severely compromised, by issues such as security? How might this problem be overcome, in general and by individual agencies, within current legal and policy parameters and how might these parameters be changed to assist in overcoming these problems?

Contractual and Procurement issues.

The use by government agencies of social networks and Web 2.0 applications and services may raise contractual and procurement issues for governments such as unacceptable indemnity clauses.

The United States Government, through the General Services Administration, negotiated whole of government agreements with Flickr, YouTube and other Web 2.0 providers with waivers of objectionable provisions. Similar agreements with Web 2.0 providers may be needed in Australia.

Proposed Information Commissioner

The Australian Government has proposed legislative reforms with the principal objects of promoting a pro-disclosure culture across the Government and building a stronger foundation for more openness in government. These reforms involve changes to the *Freedom of Information Act 1982* and *Archives Act 1983* and the establishment of an Office of the Information Commissioner (OIC).¹²

¹² An exposure draft of the Information Commissioner Bill 2009 was released by the Department of the Prime Minister and Cabinet earlier in the year.

http://www.pmc.gov.au/consultation/foi_reform/index.cfm or <http://tinyurl.com/d7ywkt>

The functions of the Information Commissioner are set out Clause 9 of the exposure draft and require the Information Commissioner to report to the Minister on a broad range of policies and practices relating to the administration and management of government information

This Taskforce, in its Terms of Reference¹³, has been given the task of identifying policies and frameworks to assist the Information Commissioner (and other agencies) in encouraging the dissemination of government information.

The information commissioner functions set out in the proposed Exposure Draft will obviously encompass issues that touch on questions raised in this Issues Paper. One of these is which aspects of Government information could fall within the purview of the proposed OIC.

These include, but are not limited to, the information management standards, policies and guidelines that are the responsibility of the National Archives, the IT system issued that are the responsibility of the Australian Government Information Management Office, the administration of copyright that is the responsibility of the Attorney-General's Department.

These areas all have some impact on recommendations the Taskforce might make.

- **Question 32:** What role could the proposed OIC play in encouraging the development of Government 2.0? Are there practical recommendations the Taskforce might make about how the OIC might best fulfil its functions in relation to optimising the dissemination of Government information?

¹³ The Terms of Reference of the Taskforce are at Appendix 2

Appendix 1

Making a Submission: Terms of Engagement

We welcome your written submissions. There is no set format required and submissions need not be formal documents.

Submissions in electronic format are preferred and can be emailed to us at contact@gov2.net.au

If that isn't possible, you can mail them to:

Government 2.0 Taskforce Secretariat
AGIMO
Department of Finance and Deregulation
John Gorton Building
King Edward Terrace
Parkes ACT 2600

As a general principle all submissions will be placed on the Government 2.0 website, as will discussion papers and other material developed as the Taskforce progresses.

Confidential submissions will be accepted from individuals where individuals can argue credibly that publication might compromise their ability to express their view freely. Pseudonymous submissions will also be accepted. Should you make a pseudonymous submission, it may not receive full consideration unless you remain contactable by e-mail should we wish to seek clarification or elaboration.

Please note that any request made under the *Freedom of Information Act 1982* for access to any material marked confidential will be determined in accordance with that Act.

Submissions must be received by

Appendix 2

Terms of reference

The Government 2.0 Taskforce ('Taskforce') will advise and assist the government to:

- make government information more accessible and usable – to establish a pro-disclosure culture around non-sensitive public sector information;
- make government more consultative, participatory and transparent – to maximise the extent to which government utilises the views, knowledge and resources of the general community;
- build a culture of online innovation within government – to ensure that government is receptive to the possibilities created by new collaborative technologies and uses them to advance its ambition to continually improve the way it operates;
- promote collaboration across agencies with respect to online and information initiatives – to ensure that efficiencies, innovations, knowledge and enthusiasm are shared on a platform of open standards; and
- identify and/or trial initiatives that may achieve or demonstrate how to accomplish the above objectives.

The Taskforce will advise government on structural barriers that prevent, and policies to promote, greater information disclosure, digital innovation and online engagement including the division of responsibilities for, and overall coordination of, these issues within government.

The Taskforce will work with the public, private, cultural and not for profit sectors to fund and develop seed projects that demonstrate the potential of proactive information disclosure and digital engagement for government. More information can be found on the Taskforce's Project Fund page.

In particular the Taskforce will also identify policies and frameworks to assist the Information Commissioner and other agencies in:

- developing and managing a whole of government information publication scheme to encourage greater disclosure of public sector information;
- extending opportunities for the reuse of government information, and considering the terms of that use, to maximise the beneficial flow of that information and facilitate productive applications of government information to the greatest possible extent;
- encouraging effective online innovation, consultation and engagement by government, including by drawing on the lessons of the government's online consultation trials and any initiatives undertaken by the Taskforce.

The Taskforce will meet regularly, consulting in an open and transparent manner and use online solutions for its engagement wherever possible.

The Taskforce will provide a final report on its activities to the Minister for Finance and Deregulation and the Cabinet Secretary by the end of 2009. The Taskforce will disband on completion of its final report.