

Open Data and the Freedom of Information in Local Government: Free access to valuable public data

1. Introduction

An open data policy, which promotes easier use of administrative data by citizens, is making global progress. At the G8 Summit in 2013, the “Open Data Charter” was agreed. In Japan, the “Open Government Data Strategy” in 2012 had encouraged the government’s tackling of the issue, and open data became one of the main pillars of the “Declaration to be the World’s Most Advanced IT Nation” of 2013. You may search data from over 15,000 ministries’ cases on the government data catalogue, “Data.go.jp.” The local government offering open data have exceeded 170, centered on major cities. “Civic Tech” activities whereby engineering volunteers tackle problems in society using open data have been initiated in a number of places across Japan. There are also cases of sophisticated applications by companies.

The expectations of open data are focused mainly on economic growth. Innovation Nippon (2013) has estimated that the impact the use of public data has on the Japanese economy will be approximately 2.4–4.7 trillion yen. If the advancement of open data proceeds, it will lead to an additional economic growth of approximately 180 billion–350 billion yen annually.

Where is the data that will generate economic growth? Keidanren (Japan Business Federation) shows data that companies wish to acquire as well as ideas of its usage. Data that companies requested from local governments for business purpose can also be identified from the freedom of information. The Innovation Nippon study group (2014) reported that documents most frequently requested from local governments were “design and planning documents with costs” and “lists of business establishments” related to restaurants, hospitals and others, and most of them appeared to be utilized for business purpose by companies. It was suggested that if these documents were actively offered as open data, this would create businesses while decreasing the burden on the staff. This study result was reflected in the government guidelines for local governments, etc. At local government level, the alignment of the freedom of information and the open data policy has also begun. In Shizuoka-city, for example, list of registered restaurants are made into open data and increased traffic to its website 10 times more than in previous times.

This research focuses on coordination between the freedom of information by local government and open data. In order to actualize a society in which public data is widely used by companies and others, this research includes (1) a study of the ways in which the freedom of information is coordinated with the open data policy and the potential of their effects, and (2) an analysis of the coordination from a legal perspective as well as a proposal for local and national government.

2. Analysis and Proposal: Law and Policy to Promote the Use of Data

The coordination between open data policy and the freedom of information is examined from a legal perspective in order to further promote open data in local government.

2.1. The Challenge on the Open Data Policy of the Government

The number of local governments which have implemented the open data policy has increased to approximately 180, mainly found in major cities, though this represents only approximately 10% of 1700 local governments in all. It is impossible to offer applications available anywhere in the country even if data is collected from all local governments. Moreover, the ways of offering data, its format, and terms used in each local government are not standardized, which inhibiting its use. There is thus still far to go before establishing the national standard even though coordination between local governments has started. This indicates that there is little data that companies can actively use. It is necessary to overcome this problem through offering valuable data as open data by all local movements with easier collection and access. Also, time has come for the advanced local governments to create common rules for open data which has been implemented individually.

2.2. The Challenge of Freedom of Information

The Freedom of Information Act does not specify the use of information. The data and documents open to the public are still copyrighted, and therefore their usage is limited to those that conform to the Copyright Act. This means that the Freedom of Information Act is inadequate for open data to actively promote free use of information. Under the freedom of information of local governments, there is an increase of work owing to the increase of requests. For requests for commercial purposes, which is one of the reasons for the increase or requests, active provision of frequently requested documents has positive impact on a decrease of requests.

Apart from the country's Freedom of Information Act, there is the so-called "2000 regulations issue," i.e. each local government has its own information disclosure regulation. To improve the level of convenience of the system, increase transparency and promote the use of information, it is necessary to reform the existing Freedom of Information Act needs, standardize the ways of information disclosure by local governments, and align with the national system of freedom of information as well as the global movement. However, law amendment is infrequently discussed in the field of information disclosure.

2.3. Case of the United Kingdom: Neither as a "Different Thing" nor as "Integration" but as "Complementary Relationship"

The United Kingdom, a leading country of the world's open data policy, established the Re-use of Public Sector Information Regulations in 2005, distinguishing it from the open data policy and Freedom of Information Act. However, there are recent discussions on the coordination between the two systems. When the UK government established an independent committee to reconsider the Freedom of Information Act in 2015, it demonstrated that the UK as an open data advanced country would further promote its policy to become a more transparent and open government, and explained the need for reconsidering the Freedom of Information Act.

In response, the Open Data Institute (ODI), a semi-governmental corporation in UK, also stated that "there is always room for the public sector to use data more effectively to improve the efficiency of FOI management" and demand coordination between the two systems. The policy lead of ODI also states that open data is a mechanism whereby the government is made transparent and does not overlap with information disclosure but the open data which is an active offering of administrative information and information disclosure which is its passive offering are complementary. In the UK, information disclosure and open data are thus not regarded as two separate matters nor things that needs to be integrated but rather complementary.

2.4. Discussion on Lawmaking as a Solution—the Three-Step Process beginning with what can be done

It is streamlined and proposed in a three-step process with the viewpoint of legal policy for future development required to the Freedom of Information and open data policy in order to realize a Japanese society where administrative data is widely used by companies, etc.

First step: What can be done immediately at local government

Start with what can be done immediately at the information disclosure division without the enactment or reforms of laws and regulations.

(a) Provide data that is frequently requested by companies as open data on websites

Establish the work flow to grasp the social needs by the results of information requests and offer open data. In particular, there is a greater percentage of storage data offering in digital form in the “lists of business establishments” related to restaurants and bars, beauty and health, and medical industries, and there are already actual cases in which these are offered as open data. The government also presents its policy of offering information that are expected to be repeatedly requested in the freedom of information on websites.

(b) Figure out a way that the information disclosure division can take the initiative

Some of the local governments omit procedures by allowing free access to printed documents or distributing CD-R to provide data in Excel format for frequently requested documents. If copyright is rigidly protected, it does not fulfill the requirements of open data. It is, however, a progress for promoting use. It also relieves the burden on staff.

(c) Communication between the divisions of freedom of information and open data

Some of the local governments share information between the divisions of freedom of information and open data through meetings and exchanging opinions. There are also several cases where information exchanges and cooperation are seen between staff in charge unofficially.

(d) Introduce open data friendly document format, a document management system or CMS

There are local governments that have made document searching on websites possible for the general public, by making use of a document management system. It is possible to integrate the open data system and active information offering into daily operations by using websites and a document management system. It will be effective to use the system renewal opportunity of the document management system and the CMS.

Second Step: The Basic Law of the Open Data Promotion under the initiative of the Government

For companies to actively use the open data of local governments, the data needs to be at a certain “size” to cover the most of local governments. However, it is difficult for the local governments to achieve such size on an individual basis and in an autonomous manner.

Therefore, we propose the establishment of the “Basic Law of Open Data Promotion.” Of the information held by the local governments, 24 types of information are listed up in the national guideline as information which can be provided as open data. They include some information highly required by companies, etc. However, there remain issues. It takes much time for the local governments to convert information into open data, and offering ways and formats are not standardized. The Basic Law aims to identify the data which is easily converted to open data and in a highly demanded field, offer it from local governments across Japan, and intensify it at the state. Moreover, if information that is repeatedly and continuously requested is offered on the website in order for users to easily access and utilize under the law, it will support the government policy determined at the CIO liaison conference and enable this content to be expanded to local governments.

There are two reasons for legislating the open data promotion. First, to manifest the industrial development and promotion of social activities by promoting the beneficial use of information as the goal to proceed for the country and local governments working in cooperation. It is desirable to streamline the two systems complementary for higher level goal of further transparency promotion of democracy, as does the United Kingdom. The second reason is to align disparate issues in the country and local governments. Considering the use of information that is separate depending on each local government under the information disclosure regulation and the policy of the open data promotion, the data and field should be identified and organized under the law.

In relation to the “Basic Law” in Japan, the idea and basic rules and duty of the government are recognized, as well as the actions of the legal system and financial affairs for their actualization under different laws and ordinances. Moreover, it indicates that the formulation of the plan should be made the government’s responsibility and should have the characteristic crossing the boundaries of the government offices. Rules should be provided for how the citizens should make efforts as well as rules for the responsibilities of the government, local governments, and related businesses. The Open Data Basic Law should include the goal of “organizing an integrated environment where the information which is held by the government and the local governments will be provided and help solve the problems of the society and support the

development of the industries by the beneficial use of the information promoted by the official sector and the private sector.” The Law should also provide the possibility for open data to be a long-term, continuous project rather than merely a temporary trend by systematically inserting the policies, roadmaps, and guidelines laid out by the government and assigning responsibility to each governmental division and local government to make an effort to make beneficial use of the information they hold for the society. In addition, terms should be divided and data as well as fields should be emphasized, such as IoT, enabling the expansion of the target.

Third Step: Full Scale Reform of Laws Related to Administrative Information

Eventually, a full scale reform of laws related to the protection, use, offer, management, and creation of the government’s information is needed, such as the Public Records Management Act and Personal Information Protection Law, starting with the Freedom of Information Act. For wide range innovation to take place, not only should the focus be on emphasized issues but adjustments of the laws and regulations should also be made by designing the ecosystem of how information should be handled in relation to the economy and the administrative system, including the view of the overall lifecycle of the information, which is a public asset in coordination with the global movement. Within that, problems such as the “2000 regulations problem” regarding the Personal Information Protection and the problem of the information disclosure in which the regulations of local governments and the laws of the country are not aligned. The problem of creating the rules for the Public Records of Management of local governments will be solved. Moreover, if an information system that handles administrative information, such as the document management, CMS, and API, which make use of the information, is installed along with the reformation of the law, advancement and reconsideration of the work process of the country and the local governments may be expected.

2.5. Conclusion

For actualization of a society in which various kinds of data held by the administrative system will be widely used by companies and organizations of citizens, a survey of the condition of the local governments of the whole country was made. What is needed to accelerate the offer of efficient information to businesses by open data by national and local governments have been clarified. The proposal was made in a three step; 1) implement what can be done immediately at the divisions of information disclosure and open data local governments, 2) accelerate by the establishment of the Basic Law of Open Data Promotion, and 3) amend laws related to creation, management, offering and use of the information of the government. As a result, beneficial

public data offering from local governments will be accelerated, and data of a size that cannot be acquired by only the work of individual local governments will be achieved. Moreover, an environment will be constructed in which information created daily by the national and local governments will be appropriately managed and used beneficially by the society. With the reflection of the fact that information from public institutions was not efficiently used during the Great East Japan Earthquake, it is expected that the open data policy will not end abruptly but that its infrastructure will be laid down as the engine of society.

Materials—Points on What Local Governments Should Do Regarding Open Data

Open data aims, under the rule of the possibility of secondary use, to stimulate the economy, actualize public service by the cooperation of the official and private sector, and advance transparency and reliability of the administration. For these to take place, points on what the local governments should do are indicated as follows.

1. Collect information related to Open Data

In “The First Guideline for Public Entities—Let’s start Open Data,” which was made by the government, the importance of open data, the steps on how to organize the system, and examples of how it is used, as well as reference materials, are listed and summarized. It also indicates how the government is tackling the issue as well as the overall picture of the guidelines and what this stands for.

2. Convert public information, of which use is limited despite the fact that the information should be widely used, into open data.

In the field of damage prevention, although local governments already open some information, much cannot be freely edited or is distributed only on paper, making practical application difficult. It is desired for the information to be revised concerning the data format and copyrights and offered through the website so that anybody may freely edit and use various information as needed. As in the guideline mentioned previously, it lists the 24 kinds of information that may be opened as open data, having no problems with the law.

3. Images of use case by referring to discussions with users and go-head examples

The use of open data will become more effective with deeper cooperation and alignment with the official and private sector. Discussions with the open source community of various places and with IT engineers who tackle the problems in society, as well as surveys of what kind of

information companies are asking for, and by referring to go-head examples, will assist in estimating the Use Case and specific needs.

4. Preparing the system—stock-taking information, making policies and guidelines and creation of an open site

Stock-take of information is required to identify things, such as what kind, how much, and in what format data exists in each division and which of that information is in great demand as well as which information local governments wish to encourage to use. Moreover, many local governments have created guidelines and policies of the standards in deciding open data promotion. It is needed to create an open site that displays the policies and the list of open data to the general public.

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Innovation Nippon is a project that has co-founded by GLOCOM, International University of Japan and Google Japan. The project has been conducting studies and producing policy proposals related to Information & Communications Technologies (ICT) usage to accelerate innovations in Japan. The project's updates and archive can be found on its website: <http://innovation-nippon.jp>.